Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
FIRST SESSION.

SENATE.

SATURDAY, *October 25, 1919.*

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

Mr. MYERS. Mr. President——

Mr. THOMAS. Will the Senator from Pennsylvania withhold the call for a quorum for a moment?

Mr. SPENCER. I ask the Senator to withhold the call for a few moments.

Mr. PENROSE. Would not the Senator from Colorado rather have a quorum present?

Mr. THOMAS. No; the Senator from North Dakota [Mr. MCCUMBER] has the floor, and I merely wish to offer a resolution. I will say to the Senator that I shall not occupy any time.

WILLIAM O. JENKINS.

Mr. MYERS. As in legislative session, I ask leave to submit a resolution and have it read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 220) was read, as follows:

Whereas it is authoritatively reported that so-called bandits have kidnaped and carried into captivity William O. Jenkins, American consular agent at Puebla, Mexico, and are holding him for a ransom of $150,000: Therefore be it

Resolved by the United States Senate, That it is the sense of this body that the President of the United States and the Secretary of War should at once use all the armed forces and power of the United States to recover and have immediately the said Jenkins alive or his abductors dead.

Mr. MYERS. I ask unanimous consent for the present consideration of the resolution.

Mr. TMOMAS. I object.

The VICE PRESIDENT. The resolution goes over.

THREATENED COAL STRIKE.

Mr. THOMAS. I introduce and ask to have read at length a joint resolution.

The joint resolution (S. J. Res. 120) assuring the national administration of the unqualified support of the Congress in dealing with the impending strike of coal miners in the United States was read the first time by its title and the second time at length, as follows:

Whereas the officers of the United Mine Workers of America have ordered all miners in the bituminous coal mines of the United States to strike on Saturday, the first day of November next, notwithstanding efforts of the Secretary of Labor to secure some basis of negotiation suspending or preventing same; and

Whereas the representatives of said organization have arbitrarily rejected the President's earnest council for compromise; and

Whereas strikes in other fields of industry heretofore ordered and still unsettled threaten to continue indefinitely; and

Whereas demands for increased wages and shorter hours accompanied by expressed or implied determination to enforce such demands if necessary by strikes in other fields of industry have been and are being made; and

Whereas the threatened strike of the bituminous coal miners will, if carried into effect, interfere with, injure, or suspend nearly all the national pursuits and industries, inflict continued and incredible hardship and suffering upon all the people of the United States and provoke disorder, violence, bloodshed, and insurrection throughout the land; and

Whereas the enforcement of the law and the maintenance of order for the security of life and property and the protection of the individual citizen in the exercise of his constitutional rights is the first and paramount duty of the Government and must be at all times vigorously and effectively safeguarded by the use of every means essential to that end: Therefore be it

Resolved, etc., That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the great emergency confronting us, and call upon them to vindicate the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

Mr. THOMAS. Mr. President, on Monday next, after the conclusion of the morning business, I shall call up the joint resolution just offered and ask for its consideration.

The VICE PRESIDENT. The joint resolution will lie on the table.

WILLIAM O. JENKINS.

Mr. MYERS. I merely desire to say that as objection was made to the consideration of the resolution I offered, I ask that it may go over until the next legislative day, and at that time I shall call it up and have some remarks to make upon it, and I shall also ask for action upon it.

Mr. THOMAS. I withdraw the objection I made to it.

Mr. MYERS. Then I ask unanimous consent for its consideration.

Mr. SMOOT. I should like to have the Senator take some time in explaining the resolution, because it is very broad in its scope.

Mr. MYERS. I think it explains itself.

Mr. SMOOT. There are so very few Senators here now that I think it is the part of wisdom not only for the Senator but for all to have it go over until the next day, and then the Senator can take time to explain the resolution.

Mr. MYERS. Then I will withdraw the request at this time, but I shall call it up later in the day or on Monday.

The VICE PRESIDENT. The resolution goes over.

SACCHARIN IN FOOD.

Mr. SPENCER. Mr. President, a few days ago I submitted a resolution concerning the use of saccharin, which was referred to the Committee on Agriculture and Forestry. A subcommittee of the Committee on Agriculture and Forestry has been considering the question. I notice in the RECORD that yesterday the junior Senator from Louisiana [Mr. GAY] introduced some correspondence from the Department of Agriculture in regard to the matter.

During the administration of President Roosevelt he appointed a committee of experts to investigate and pass upon the healthfulness of certain ingredients of food, and among these was saccharin. I ask unanimous consent that there may be printed in the RECORD the supplemental report of the Referee Board of Scientific Experts upon the subject of saccharin, Prof. Ira Remsen, chairman.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL REPORT OF THE REFEREE BOARD OF SCIENTIFIC EXPERTS, PROF. IRA REMSEN, CHAIRMAN, JANUARY 13, 1912, ON SACCHARIN.

"1. The findings of the referee board, based upon what would seem to be convincing, experimental evidence, are that small quantities of saccharin, up to 0.3 gram per day, are without deleterious or poisonous action and are not injurious to health. This being so, it would seemingly follow that foods to which small quantities of saccharin have been added—in amount insufficient to result in a daily intake of more than 0.3 gram—can not be considered as adulterated, since foods so treated do not contain any added deleterious ingredient which may render the said food injurious to health.

"Admitting that large quantities of saccharin—over 0.3 gram per day—taken for long periods of time may impair digestion, such evidence can not consistently be accepted as an argument in favor of the view that smaller quantities must constitute a menace to health. It is often claimed that any substance having a deleterious effect on health when taken in large amount must necessarily be injurious, even when consumed in very small quantities, and that it is dangerous to differentiate on the basis of quantity.

"There is, however, no justification for such a view from a physiological standpoint. Common custom, for example, sanctions the free use of vinegar or dilute acetic acid as a preservative; yet it is well known that in large quantities acetic acid is a dangerous substance. Common salt, while harmless when

taken in small quantities, may become a serious menace to health if taken in larger quantities. The hydrochloric acid of the gastric juice is not only harmless, but is essential for the welfare of the body; yet when its concentration is increased beyond a certain point it becomes a poison. It is evident, therefore, that the decision as to whether a certain substance is or is not injurious to health must take into account the quantity of the substance that is involved. The referee board is compelled, on the basis of experimental evidence, to hold to the view that addition of small quantities of saccharin to food does not constitute an adulteration, since there is no evidence that small quantities of the substance are deleterious to the health of normal adults.

"2. The addition of saccharin to foods, in large or small quantities, does not, so far as the findings of the referee board show, affect in any way the quality or strength of the food. This statement is not in any sense contradictory to or lacking in harmony with the statement that the addition of saccharin to a food as a substitute for cane sugar is a substitution involving a reduction in the food value of the sweetened product, and may thus result in a reduction in its quality. The simple addition of saccharin to a food can not, in the opinion of the referee board, be considered as an adulteration through any reduction in the strength or quality of the food, since no such effect follows its addition to the food. On the other hand, the substitution of saccharin for cane sugar, for example, in any food product may result in a decided lowering of food value, and this must certainly be considered as an adulteration.

"In the opinion of the referee board, the use of saccharin in food in quantities that might constitute a menace to health is impossible, since its extreme sweetness would naturally limit its consumption by the individual to amounts below what might prove injurious (in harmony with the conclusions expressed in the original report of the board). On the other hand, the possibility of substituting saccharin for sugar, thereby lowering the food value of the sweetened products, is a serious menace, and one that should be carefully safeguarded."

JOINT COMMITTEE ON PUBLIC HEALTH.

Mr. CALDER. Mr. President, I have here Senate concurrent resolution 14, introduced by the junior Senator from Maryland [Mr. FRANCE] and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It provides for a survey of the activities of the several departments, divisions, bureaus, offices, and agencies of the Government which relate to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto. The resolution provides for the appointment of a committee of three Members of the Senate and three Members of the House of Representatives. The Committee to Audit and Control the Contingent Expenses of the Senate directs me to report back the resolution favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Con. Res. 14) submitted by Mr. FRANCE October 22, calendar day, October 23, 1919, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee be, and is hereby, created, consisting of three Members of the United States Senate and three Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of and report on those activities of the several departments, divisions, bureaus, offices, and agencies of the Government of the United States which relate to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto.

SEC. 2. That such committee is directed and empowered to report to the Congress not later than March 1, 1920—

(a) The statutory powers and duties conferred by the Congress on any department, division, bureau, office, or agency of the United States Government to carry on any work pertaining to the conservation and improvement of the public health, together with any rules and regulations authorized or promulgated thereunder;

(b) The organizations now existing in the Federal Government for the purpose of carrying out these powers and duties, together with the personnel of, appropriations for, and expenditures by each department, division, bureau, office, and agency during the fiscal year ending June 30, 1919;

(c) The coordination now existing between said departments, divisions, bureaus, offices, and agencies, together with any conflicts, overlapping or duplication of powers, duties, functions, organization, and activities;

(d) The cooperation and coordination now existing between the Government of the United States and the government of the several States or extragovernmental agencies for the conservation or improvement of the public health;

(e) Such further information as such committee may deem proper;

(f) Such recommendations as such committee may deem advisable to offer for the improvement of the public health work of the United States Government.

SEC. 3. That such committee be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ experts, deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution, one half to be paid out of the contingent fund of the Senate and the other half out of the contingent fund of the House; and that such committee may sit during the sessions or recesses of the Congress.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HITCHCOCK. I shall object to the present consideration of the resolution.

Mr. FRANCE. Does the Senator object?

Mr. HITCHCOCK. Yes.

Mr. FRANCE. I hope the Senator will withdraw his objection. The resolution is a most important one.

Mr. HITCHCOCK. We are here after having taken a recess for the consideration of the treaty, and I can not consent to any matter of that kind coming up at this time. While the resolution may have a very admirable purpose, I think it will require more consideration than can be given under present circumstances.

The VICE PRESIDENT. The resolution will be placed on the calendar.

LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, yesterday the Senator from Nebraska [Mr. HITCHCOCK], there being no morning hour, the Senate having taken a recess instead of an adjournment, put into the RECORD quite a lot of telegrams, resolutions, and other literature in relation to the league of nations.

I have here a pamphlet that some one sent to me entitled "World crisis and the League to Enforce Peace," which I assume is sent out by that organization, in which it is stated that up to July 28, 1919, that organization had raised in general subscriptions and membership fees $597,780.85. Whether it has raised money in any other way than by general subscriptions and membership fees deponent further saith not. Since that statement was volunteered three months have passed; the campaign conducted by it has become much more strenuous and insistent; and $1,000 checks are now being demanded peremptorily.

I send to the desk and ask to have read a telegram which was sent to me by Mrs. Eva Mason, of the Connecticut Federation of Women's Clubs, together with her reply to the same.

Mr. PENROSE. If the Senator from Connecticut has no objection, I should like to call for a quorum. I suppose he has the usual long list of telegrams.

Mr. BRANDEGEE. If I may have unanimous consent to have this matter read before that is done, I have no objection.

Mr. PENROSE. Let it be read, and then I desire to call for a quorum.

Mr. BRANDEGEE. I have no objections either way. The Senator can suit himself. He can suggest the absence of a quorum now.

Mr. PENROSE. Then I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	McKellar	Smoot
Bankhead	Gerry	McLean	Spencer
Borah	Hale	Moses	Sutherland
Brandegee	Harding	Myers	Swanson
Calder	Harris	New	Thomas
Capper	Henderson	Newberry	Townsend
Chamberlain	Hitchcock	Nugent	Trammell
Colt	Johnson, Calif.	Overman	Underwood
Culberson	Jones, N. Mex.	Penrose	Wadsworth
Cummins	Jones, Wash.	Phelan	Walsh, Mass.
Curtis	Kellogg	Poindexter	Walsh, Mont.
Dial	Kirby	Pomerene	Watson
Dillingham	Knox	Sheppard	Williams
Edge	La Follette	Shields	
Fletcher	Lodge	Smith, Ariz.	
France	McCumber	Smith, Ga.	

Mr. GAY. I wish to announce the absence of the senior Senator from Louisiana [Mr. RANSDELL] on account of sickness.

Mr. HENDERSON. I desire to announce the absence of the senior Senator from Delaware [Mr. WOLCOTT] and of the Senator from South Dakota [Mr. JOHNSON] on account of illness in their families.

Mr. SHEPPARD. The Senator from Wyoming [Mr. KENDRICK], the Senator from Utah [Mr. KING], the Senator from Nevada [Mr PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Arkansas [Mr. ROBINSON] are detained from the Senate on official business.

Mr. GERRY. The Senator from Maryland [Mr. SMITH] and the Senator from Missouri [Mr. REED] are absent on public business.

Mr. SMOOT. The Senator from Wyoming [Mr. WARREN] and the Senator from Wisconsin [Mr. LENROOT] are detained

in committee. The Senator from North Dakota [Mr. GRONNA], the Senator from Vermont [Mr. PAGE], the Senator from New Hampshire [Mr. KEYES], the Senator from Nebraska [Mr. NORRIS], the Senator from Oregon [Mr. MCNARY], the Senator from Oklahoma [Mr. OWEN], the Senator from South Carolina [Mr. SMITH], and the Senator from Oklahoma [Mr. GORE] are in attendance at a meeting of the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present. Unanimous consent has been given for the reading of certain papers presented by the Senator from Connecticut [Mr. BRANDEGEE]. The Secretary will read.

The Secretary read as follows:

CONNECTICUT FEDERATION OF WOMEN'S CLUBS,
Derby, Conn., October 24, 1919.

MY DEAR MR. BRANDEGEE: Believing the inclosed message may have a personal interest for you as a Senator, I herewith hand you a telegram addressed to me, from Vance McCormick, chairman of finance committee of the League to Enforce Peace. As I am an advocate of wise reservations for the league of nations covenant, I wired Mr. McCormick "I would regard the contribution of a dollar to the expense of a campaign to secure votes for ratification of the covenant 'without amendments or reservations' an expression of disloyalty to America's best interests." As the president of a woman's organization in the State of Connecticut numbering 6,000 members, I am a bit curious to know how at this date a possibly large campaign fund of American dollars can be exchanged for votes for an unaltered covenant. Any suggestion you may make for my enlightenment will be appreciated.

Asking you to confer the favor of returning the telegram, as I desire to put it on file as a souvenir, I am

Loyally, yours,

EVA CHILD (MRS. JAMES R.) MASON,
President Connecticut Federation of Women's Clubs.

[Telegram.]

NEW YORK, *October 22, 1919.*

MRS. EVA MASON, *Derby, Conn.:*

In this moral and political crisis League to Enforce Peace—William Howard Taft, president; A. Lawrence Lowell, chairman—has great and necessary responsibility of leading and securing expression of public demand for prompt ratification of peace treaty and league of nations covenant without amendments and without reservations that would require resubmission or separate peace with Germany. Business uncertainty and industrial unrest will continue throughout world until ratification starts life again in normal channels. Will you join others in contributing $500 toward expenses of campaign?

HERBERT HOUSTON, *Treasurer,*
GEORGE WICKERSHAM,
VANCE MCCORMICK,
CLEVELAND DODGE,
OSCAR STRAUSS,
Finance Committee,
Bush Terminal Sales Building, New York.

Mr. BRANDEGEE. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] called my attention to the fact that the little souvenir from which I read a minute ago issued by the League to Enforce Peace states that the $597,780.85 which they say they have raised by general subscriptions and membership fees has been received during the four years over which its activities have extended and up to July 28, 1919. They state as a conclusion, I will not say as a warning, that—

When the treaty of peace and the league of nations covenant were submitted to the United States Senate on July 10 the fight for a league of nations entered its final stage.

To which I agree.

With ratification by the Senate, the task which the League to Enforce Peace set itself in 1914 will have been accomplished. Then will remain the further task of assisting to guide the world through the first untried years of cooperation under the league, a task in which the counsel and influence of leaders in all walks of life will be essential.

The gentlemen who are drawing these salaries and leading the world have no intention of relinquishing the snap upon which they have stumbled. Having raised almost three-quarters of a million dollars—pretty nearly the proportions of a national campaign fund—simply by circularizing the benevolent and charitable people to whom they present one side of the controversy, they have no intention of letting go the possibilities developed to educate and lead the world in its moral duties and activities.

I send to the desk now a letter from Mr. R. W. Kellough, of Tulsa, Okla., who sent me the little souvenir from which I have quoted.

The VICE PRESIDENT. Does the Senator desire the letter read?

Mr. BRANDEGEE. I desire that it be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

TULSA, OKLA., *October 14, 1919.*

Senator BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SIR: Herewith I hand you some of the propaganda being put out by the League to Enforce Peace, which has made an effort to force the patriotic Senators to ratify the league, which would surrender the sovereignty of this country. I am sending you this with full authority for you to use as you may deem best. You and your associates who are opposing the ratification of this fool league of nations are the "minutemen" of the present day, so remember Lexington and Bunker Hill and keep the good work up.

In replying to Senator HITCHCOCK's statement that only thugs and ignorant people are against the league you might call his attention to the breaking up of a meeting at Ardmore, Okla., where Senator JAMES A. REED attempted to speak against the league. This meeting, so it is reported, was broken up by organized thugs gotten together by politicians in that locality, while the majority of the people were in favor of Senator REED's going ahead with the argument and were undoubtedly against the league.

With kindest regards, yours, truly,

R. W. KELLOUGH.

Mr. BRANDEGEE. Mr. President, I have no extended comment to make except that this $600,000, nearly three-quarters of a million dollars, has simply been thrown overboard; that is all there is of it. The sending of these telegrams and hysterical messages all over the country has simply increased the mail receipts and the telegraph tolls. The lady who inquired of me how the money expended can be swapped for votes on this question is onto the game, Mr. President. It can not be swapped for votes and has not been swapped for votes and no vote can be changed or even affected by the expenditure of the whole three-quarters of a million dollars.

Mr. WILLIAMS. Mr. President, apropos the reference in one of the communications sent to the desk by the Senator from Connecticut about the "minutemen of liberty" and that sort of thing, I present to the Senate and ask to have inserted in the RECORD the resolution of the Mississippi branch of the American Legion passed at Jackson, Miss., and wired me by the chairman on October 22.

The VICE PRESIDENT. Without objection, the resolution will be printed in the RECORD.

The resolution is as follows:

VICKSBURG, MISS., *October 22, 1919.*

Senator JOHN SHARP WILLIAMS,
Senate, Washington, D. C.:

The State convention of the Mississippi branch of the American Legion at Jackson, Miss., yesterday adopted the following resolution:

"*Be it resolved by the Mississippi State Convention of the American Legion,* That this body recommends that the peace treaty be adopted without reservation and that copies of this resolution be sent by wire to President Wilson, Senators WILLIAMS, HARRISON, JOHNSON, and LODGE."

ALEXANDER FITZHUGH, *State Chairman.*

Mr. WILLIAMS. Mr. President, apropos another letter presented by the Senator from Connecticut about somebody refusing to contribute to the campaign fund of the League to Enforce Peace, I send to the desk and ask to have inserted in the RECORD a letter from Herbert S. Houston, treasurer of the League to Enforce Peace, containing an open letter to my old friend, former Speaker CANNON, of the House of Representatives, answering a letter written by him some time ago very similar to the one sent up to the desk by the Senator from Connecticut.

The VICE PRESIDENT. Without objection, the letter will be inserted in the RECORD.

The letter referred to is as follows:

[From League to Enforce Peace, 130 West Forty-second Street, New York. Immediate release.]

"NEW YORK, *October 22.*

"In a letter to Representative JOSEPH G. CANNON, of Illinois, Herbert S. Houston, treasurer of the League to Enforce Peace, declares that an overwhelming majority of private citizens in this country favor ratification of the peace treaty and the league of nations covenant, and asks the ex-Speaker if he thinks these people have any less regard for the Constitution than the Senators and Congressmen who are attacking the covenant on constitutional grounds.

"Mr. Houston's letter, which was given out here to-day, answered a letter which Mr. CANNON made public recently in Washington, after he had been asked to help finance the cam-

paign of education waged by the League to Enforce Peace in behalf of the league of nations. Mr. Houston's letter follows:

"Hon. JOSEPH G. CANNON,

"*House of Representatives, Washington, D. C.*

"DEAR MR. CANNON: In your open letter replying to the request for a subscription to the funds of the League to Enforce Peace you say that these funds are to be used to influence Senators to break their constitutional oaths. Your 46 years in Congress must have given you a surprisingly low estimate of the average Senator's capacity and character. Do you think a Senator like HALE, of Maine, any less mindful of his oath of office because he gives heed to the views of his State, again surveys the treaty and the league of nations covenant, and finally decides to vote against the Shantung amendment? Nineteen other Republican Senators did the same thing. Surely they are not 'serving two masters' in listening to the arguments and opinions of their constituencies before reaching their final decision on the treaty and the covenant. And every dollar of the funds to which you were asked to contribute—I can speak from full knowledge as treasurer of the league—goes toward educational effort to enlighten the country on the meaning of the covenant and on the country's duty to join the league of nations in order to make permanent the peace which our soldiers helped to win.

"The 14,000 ministers of the gospel who have just petitioned the Senate to ratify the treaty with the covenant must be familiar with the passage of Scripture you quote in your letter and also with the Constitution of their country, and still they join in an urgent plea for the league of nations. You would not, I am sure, deny them this ancient democratic right of petition or claim that its exercise was an effort to influence Senators to break their oaths of office. You sat at the feet of Abraham Lincoln too long to think anything so opposed as that would be to the spirit of our institutions. The League to Enforce Peace holds to the sound Lincoln maxim that you can't 'fool all the people all of the time,' and that is the reason it is undertaking to help enlighten them on the issues involved in this great league of nations contest. And they are surely being enlightened, as you will find if you take the trouble to check up the sentiment in the Danville district or in any other section of the country.

"As an index to public sentiment, let me remind you that at the convention of the American Bankers' Association in St. Louis the other day a referendum vote taken by a St. Louis newspaper of the twelve hundred and odd delegates showed over 800 of them in favor of the ratification of the treaty and covenant without amendments or reservations, and only 27 votes were recorded as being against the ratification of the treaty. As a wise and successful banker yourself, you know how accurately the banker, and particularly the country banker, can gauge the sentiment of his community. And this referendum among American bankers showed the same result that hundreds of referendums among all classes of people throughout the country have shown. The referendum vote in the American Federation of Labor was practically in the same proportion as the vote of members of the American Bankers' Association. Is it possible for you to believe that these people, undoubtedly representing an overwhelming majority of your fellow countrymen, have any less regard for the Constitution of the United States or for the sovereignty of America than have you or any other Senator or Congressmen?

"With kind personal regards, I am,

"Yours, faithfully,

"(Signed) HERBERT S. HOUSTON,
"*Treasurer.*"

Mr. WILLIAMS. Then, in conclusion, Mr. President, I will read this, because it is a letter from three senators from Massachusetts—Winchester, Mass. I do not know them, but perhaps the Senators from Massachusetts do.

Mr. LODGE. Three senators from Winchester, Mass.?

Mr. WILLIAMS (reading):

We earnestly urge immediate ratification of the peace treaty and covenant of the league of nations with no reservations that require reopening of negotiations at Paris.

I ask that it be inserted in the RECORD.

Mr. LODGE. I was not aware that Winchester had three senators in the legislature, but I have no doubt they have.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

WINCHESTER, MASS., *October 22, 1919.*

TO THE UNITED STATES SENATE,
Care of Hon. JOHN S. WILLIAMS.

DEAR SIRS: We earnestly urge immediate ratification of the peace treaty and covenant of the league of nations with no reservations that require reopening of negotiations at Paris.

Respectfully,

A. C. NEWELL.
F. M. NEWELL.
E. P. BOND.

Mr. HARRIS. I ask to have read the resolutions of the American Legion, Georgia Division, adopted at Atlanta, Ga.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"THE AMERICAN LEGION, GEORGIA DIVISION,
"*Atlanta, Ga.*

"*Be it resolved*, And it is hereby resolved by the American Legion, Georgia Division, in convention assembled at Atlanta, Ga., October 15, 1919, that it is the sense of this convention that the treaty of peace as submitted to the Senate of the United States and embodying the league of nations should be adopted as submitted without reservation, amendment, or interpretation; and it is further

"*Resolved*, That the Senators of the State of Georgia be furnished copies of this resolution and that they be requested to support the treaty of peace and vote against any reservation, interpretation, or amendment thereto."

Mr. HITCHCOCK. Mr. President, I ask permission to have inserted in the RECORD, in reply to what the Senator from Connecticut [Mr. BRANDEGEE] presented in criticism of the League to Enforce Peace, a statement showing the nature of its organization, its officers, the method of its financing, the use of league funds, a report of its State and county branches, the official commitments of the league, the character and type of work carried on by the league, and the national provisional committee of the league—in fact, a complete statement of the League to Enforce Peace.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"I. ORGANIZATION.

"The League to Enforce Peace was organized as the response of a large group of leading Americans to the greatest moral crisis of history—the outbreak of the European war. It was felt that something must be done to organize the world against the recurrence of such a catastrophe. About a hundred and twenty-five leaders of American thought of all political parties, creeds, and professions joined in the call for the organization meeting in Independence Hall, Philadelphia, June 17, 1915. Several hundred of the leaders of the Nation, comprising many of the outstanding figures in international law, politics, political science, and letters, equally representative with the callers of the convention, came together and, through the organization of the League to Enforce Peace, began the movement for the establishment of a league of nations. The representative character, the disinterested motives, the nonpartisan nature of the league have remained to this day as definite and distinct as at that time. (For list of provisional committee on organization see Exhibit A.)

"II. OFFICERS.

"The league has been officered from the beginning, both as to its national organization and as to its State and local branches, by the most prominent and high-minded men of the Nation—by men who not only have received no compensation but who have contributed largely both of their time and their means to carry through what they have conceived to be a necessary public service. The president of the league is ex-President William Howard Taft; its vice president, Alton B. Parker; the chairman of the executive committee, President A. Lawrence Lowell, of Harvard University. Its vice presidents include some 300 men of national reputation, and its national committee is composed of several hundred more of the outstanding leaders from such great national groups as organized labor, agriculture, chambers of commerce, women's clubs, and national industries. (For list of national officers see Exhibit B.)

"III. FINANCING.

"During the four years over which its activities have extended the league has raised (June 17, 1915–June 1, 1919) $547,408.82 in general subscriptions and membership fees. The largest single subscription made to it by any individual has been $25,000 and the next largest $5,000. The approximate number of its subscriptions is 6,575, of which only 132 are $1,000 or over; and the average subscription is $83. Not a dollar of the income of the league has been derived from the Carnegie or Rockefeller Foundations. Its money, on the contrary, has been derived chiefly from people of moderate means who have believed that the establishment of the league of nations, by preventing future wars, would operate to the untold advantage of future generations and to the upbuilding of civilization. These funds have been contributed for the most part at the conventions of the league—in the organization meeting in Independence Hall, Philadelphia, in June, 1915; in the Washington convention of the league in May, 1916; in the convention of the league in Philadelphia in May, 1918; and in connection with the

regional congresses held in nine of the leading cities of the Nation, stretching from coast to coast, in February, 1919.

"IV. USE OF LEAGUE FUNDS.

"Since its organization (June 17, 1915–June 1, 1919) the league has expended $545,163.80, as follows:

1. Executive direction	$44,048.93
2. Organization of branches	84,150.54
3. Office salaries, supplies, and operating expenses	89,767.30
4. National conventions	28,628.51
5. National congresses	99,395.57
6. State conventions	8,040.66
7. Publications	28,604.52
8. Publicity	51,530.46
9. Home extension	61,868.22
10. Foreign extension	5,070.56
11. Financial campaigns	20,713.27
12. Postage, not included in above classifications	23,345.26

"V. STATE AND COUNTY BRANCHES.

"There are active branches of the league in 26 State and in 520 counties and smaller political subdivisions. State, county, and local officers number approximately 2,281. Of these not more than 10, all of whom occupy minor positions, receive any salary whatsoever; the remainder contributing their time and influence, and often their means, to accomplish the purpose of the league. The following is a list of the more active State organizations and their chairmen.

"STATE CHAIRMEN.

"Alabama: Michael Cody, Montgomery.
"California: R. B. Hale, San Francisco.
"Colorado: Hon. S. Harrison White, Denver.
"Delaware: Hon. George Gray, Wilmington.
"Illinois: Thomas F. Holgate, Chicago.
"Iowa: George W. Clarke, Des Moines.
"Kentucky: John W. Barr, jr., Louisville.
"Maryland: Hon. Edwin Warfield, Baltimore.
"Massachusetts: Dr. A. Lawrence Lowell, Cambridge.
"Missouri: Frederick N. Judson, St. Louis.
"Nebraska: G. W. Wattles, Omaha.
"New Hampshire: Huntley N. Spaulding, North Rochester.
"New Jersey: Dr. Henry Van Dyke, Princeton.
"New Mexico: Hon. Neill B. Field, Albuquerque.
"New York: William Church Osborn, New York City.
"Nevada: Hugh Henry Brown, Tonopah.
"Ohio: Dr. W. O. Thompson, Columbus.
"Wisconsin: Hon. John M. Whitehead, Janesville.
"Oklahoma: Hon. C. B. Ames, Oklahoma City.
"Rhode Island: Dr. William H. P. Faunce, Providence.
"Tennessee: Robert T. Smith, Nashville.
"Utah: Nephi L. Morris, Salt Lake City.
"Virginia: George Bryan, Richmond.
"Washington: N. B. Coffman, Chehalis.
"West Virginia: Charles W. Dillon, Fayetteville.
"Michigan: Woodbridge N. Ferris, Big Rapids.
"Vermont: Roland E. Stevens, White River Junction.
"Maine: Robert Treat Whitehouse, Portland.
"Connecticut: Dr. William Arnold Shanklin, Middletown.
"Indiana: Hon. Franklin McCray, Indianapolis.

"VI. SPEAKERS.

"The plan and arguments for a league of nations have been presented throughout the Nation before audiences of every character, by the type of volunteer speakers who performed such public-spirited service during the war. At the present time—June 1, 1919—approximately 13,000 speakers are enrolled and definitely pledged to the League to Enforce Peace as ready to give and as actually giving educational addresses on the subject of a league of nations. They represent the following major groups:

Labor	3,149
Agricultural interests	343
The church	3,000
Business and other groups	6,804

"These speakers work wholly without compensation, their expenses, with few exceptions, being paid either by themselves or by the organizations which they address. In order to meet emergencies a small number of staff speakers (never more than three at any time) have received modest salary or fees for addresses.

"VII. TYPE OF WORK CARRIED ON BY THE LEAGUE.

"The work of the League to Enforce Peace has been of an educational nature directed, first, toward the development throughout the country of an understanding of the general international situation as it will exist at the close of the war; second, toward an understanding of the main features of a league of nations which might create and maintain peace; and, third (since the publication of the league of nations covenant), to the giving of exact and detailed information regarding the league of nations covenant and its interpretation. The league has carried forward a campaign of education covering questions of the war and kind of settlement necessary in order to secure permanent peace.

"VIII. OFFICIAL COMMITMENTS OF THE LEAGUE OF NATIONS.

"That support of the project for a league of nations throughout the United States is not local or superficial in character and that it has not been merely improvised or induced by the activities of the League to Enforce Peace is apparent from the large number of National and State organizations that have committed themselves to the principle of a league of nations and in large part to the Paris covenant as now given to the world. Among such organizations are the following:

"A. The great church denominations of the country are, so far as known, committed without exception to the establishment of a league of nations. Some of the more conspicuous indorsements are as follows: General Assembly of the Presbyterian Church of the United States of America, General Synod Evangelical Lutheran Churches in the United States of America, Religious Education Association, National Society of Christian Endeavor, Board of Bishops of the United Brethren in Christ, Federal Council of the Churches of Christ in America.

"B. Every representative organization of farmers and agricultural interests throughout the country is officially committed to the establishment of a league, including the National Board of Farm Organizations, the National Grange, the National Federation of Gleaners, the American Society of Equity, the Nonpartisan League, the Southern Commercial Congress, the American Agricultural Association and the Farmers' National Council, and the Farmers' Educational and Cooperative Union of America.

"C. The American Federation of Labor pledged itself to the establishment of a league of nations as part of its reconstruction program in its annual convention of November, 1916, at Baltimore, Md., and has committed itself in all its succeeding annual conventions to this policy. The brotherhoods of railway employees in like manner stand pledged to a league. With the exception of the international socialists, American labor is believed to stand solidly in favor of a league and of the Paris covenant as the embodiment of the league for which they ask.

"D. The educational associations and the college and university faculties stand with practical unanimity in favor of a league of nations, as shown by official acts and commitments.

"E. The Chamber of Commerce of the United States, by official referendum taken in November, 1915, stands committed by an overwhelming vote to the principle of a league of nations.

"F. Twenty-six State legislatures, by joint or concurrent resolutions, have, June 1, 1919, recorded themselves in favor of a league and only two against, as follows:

"For: Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Wisconsin, Washington.

"Against: New Mexico, West Virginia.

"NOTE.—This list includes only those States in which both of the legislative branches have adopted the favorable or unfavorable resolution. There were also the following one-house resolutions; California, house for; Colorado, house for, senate against; Idaho, house against; Indiana, senate for.

"G. The organized women of the United States have adopted numerous resolutions indorsing the league, notably the following: The National American Woman's Suffrage Association; National Society, Daughters of the American Revolution; General Federation of Women's Clubs (2,000,000 women); National Council of Women (composed of national organizations comprising 3,000,000 women); Council of Jewish Women; Dames of Malta; Woman's Auxiliary Southern Commercial Congress.

"H. Scores of national and State organizations of every character stand pledged to a league. (See Exhibit "C.")

"In a very large number of cases the organizations passing resolutions have also made use of their organizational machinery in various ways to spread information regarding a league and the Paris covenant and otherwise to forward the movement for a league."

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"EXHIBIT A.

"NATIONAL PROVISIONAL COMMITTEE FOR A LEAGUE OF PEACE, BEING THE COMMITTEE THAT CALLED THE ORGANIZATION MEETING HELD IN INDEPENDENCE HALL, JUNE 17, 1915.

"Lyman Abbott, editor the Outlook.
"Edwin A. Alderman, president University of Virginia.
"James B. Angell, educator and diplomatist.
"Thomas Willing Balch, lawyer.
"John Barrett, director general Pan American Union.
"James M. Beck, former Assistant Attorney General.
"Alexander Graham Bell, scientist and inventor.

"Perry Belmont, former chairman Committee on Foreign Affairs.
"George H. Blakeslee, professor of history, Clark University.
"Rudolph Blankenburg, mayor of Philadelphia.
"Gutzon Borglum, sculptor.
"Samuel P. Brooks, president Baylor University.
"Charles R. Brown, dean Yale Divinity School.
"Elmer E. Brown, chancellor New York University.
"Henry A. Buchtel, ex-governor of Colorado.
"George Burnham, jr., publicist.
"Winston Churchill, author.
"Francis E. Clark, founder Christian Endeavor.
"John Bates Clark, political economist.
"Philander P. Claxton, United States Commissioner of Education.
"A. T. Clearwater, jurist.
"Frederic R. Coudert, lawyer.
"Frank Crane, editorial writer associated newspaper.
"R. Fulton Cutting, financier.
"William C. Dennis, formerly of State Department.
"Jacob M. Dickinson, ex-Secretary of War.
"Henry Sturgis Drinker, president Lehigh University.
"Samuel T. Dutton, educator.
"William H. P. Faunce, president Brown University.
"Woodbridge N. Ferris, governor of Michigan.
"John H. Finley, New York commissioner of education.
"Irving Fisher, political economist, Yale University.
"William Dudley Foulke, former member United States Civil Service Commission.
"Howard B. French, manufacturer.
"James Cardinal Gibbons.
"Franklin H. Giddings, sociologist.
"Washington Gladden, author, clergyman.
"William E. Glasscock, ex-governor West Virginia.
"Caspar F. Goodrich, rear admiral United States Navy.
"George Gray, member of Hague court.
"Herbert S. Hadley, ex-governor Missouri.
"John Hays Hammond, mining engineer.
"Albert Bushnell Hart, historian.
"William O. Hart, president Louisiana Historical Association.
"Rowland G. Hazard, manufacturer.
"Bayard Henry, lawyer.
"Myron T. Herrick, diplomatist.
"John Grier Hibben, president Princeton University.
"Emil G. Hirsch, rabbi.
"George C. Holt, United States district judge.
"Hamilton Holt, editor the Independent.
"H. J. Howland, associate editor The Independent.
"William B. Howland, president The Independent.
"Andrew B. Humphrey, secretary American Peace and Arbitration League.
"Charles Cheney Hyde, professor of international law, Northwestern University.
"J. E. Ingram, railway official.
"Jeremiah W. Jenks, political economist, New York University.
"Homer H. Johnson, lawyer.
"David Starr Jordan, scientist and educator.
"Frederick N. Judson, lawyer.
"Darwin P. Kingsley, president New York Life Insurance Co.
"J. Leonard Levy, rabbi.
"Edgar Odell Lovett, president Rice Institute.
"A. Lawrence Lowell, president Harvard University.
"Frederick Lynch, secretary Church Peace Union.
"Charles S. Macfarland, secretary Federal Council of Churches.
"Theodore Marburg, economist.
"Samuel W. McCall, Member of Congress.
"Victor H. Metcalf, Ex-Secretary of Navy.
"John Mitchell, chairman New York State Industrial Commission.
"Samuel C. Mitchell, president Delaware College.
"John Bassett Moore, professor international law and diplomacy, Columbia University.
"Henry C. Morris, president Chicago Peace Society.
"Cyrus Northrop, president emeritus University of Minnesota.
"Alton B. Parker, jurist.
"George A. Plimpton, publisher.
"George H. Prouty, ex-governor of Vermont.
"Odin Roberts, lawyer.
"Victor Rosewater, editor Omaha Bee.
"Leo S. Rowe, president American Academy Political and Social Science.
"Nath. C. Schaeffer, State superintendent public instruction.
"Jacob H. Schiff, banker.
"Isaac N. Seligman, banker.
"John C. Shaffer, newspaper publisher.
"William A. Shanklin, president Wesleyan University.
"Robert Sharp, president Tulane University.
"Albert Shaw, editor Review of Reviews.
"William H. Short, secretary the New York Peace Society.
"James L. Slayden, Ex-Member of Congress.
"Edgar F. Smith, provost University of Pennsylvania.
"John A. Stewart, chairman Peace Centennial Commission.
"Oscar S. Straus, member of Hague Court.
"Frank S. Streeter, lawyer.
"Joseph Swain, president Swarthmore College.
"William H. Taft, Ex-President United States.
"Charles T. Tatman, lawyer.
"John M. Thomas, president Middlebury College.
"William Hale Thompson, mayor of Chicago.
"Charles F. Thwing, president Western Reserve University.
"James L. Tryon, director American Peace Society.
"Henry St. George Tucker, lawyer.
"W. H. Vary, master New York State Grange.
"Anton C. Weiss, editor Duluth Herald.
"Benjamin Ide Wheeler, president University of California.
"Everett P. Wheeler, lawyer.
"Harry A. Wheeler, banker.
"Andrew D. White, educator and diplomatist.
"Thomas Raeburn White, lawyer.
"William Allen White, publicist.
"John M. Whitehead, lawyer.
"John Sharp Williams, United States Senator.
"Talcott Williams, journalist.
"Wardner Williams, president Colorado State Board of Peace Commissioners.
"George G. Wilson, professor of international law, Harvard University.
"Luther B. Wilson, bishop Methodist Episcopal Church.
"Oliver Wilson, master National Grange.
"Stephen S. Wise, rabbi.
"Theodore S. Woolsey, international law, Yale University."

"EXHIBIT B.

"COMMITTEEMEN OF LEAGUE TO ENFORCE PEACE.

"ALABAMA.

"Executive committee: Michael Cody, Montgomery.
"National committee: Prof. C. L. Thatch, Auburn; Hon. Sidney J. Bowie, 831 First National Bank Building, Birmingham; Hon. John C. Anderson, Montgomery; William R. Fairley, 516 Balsom Avenue, Pratt City; Mrs. James Fullerton Hooper, Selma.
"Vice president: Hon. Charles Henderson, Troy.

"ARIZONA.

"Executive committee: Dr. Rufus B. von Kleinsmid, University of Arizona, Tucson.
"National committee: Mrs. H. D. Ross, 1219 North Central Avenue, Phoenix; E. P. Taylor, Tucson.
"Vice presidents: Hon. Thomas E. Campbell, Phoenix; Hon. George W. P. Hunt, Phoenix.

"ARKANSAS.

"Executive committee: Hon. Charles H. Brough, Little Rock.
"National committee: Herbert H. Bowden, Little Rock; Mrs. T. T. Cotnam, 427 Southern Trust Building, Little Rock; Frank Pace, Little Rock.
"Vice presidents: Hon. Clifton R. Breckinridge, Arkansas Valley Bank, Fort Smith; H. L. Rammel, Little Rock.

"CALIFORNIA.

"National committee: Dr. Thomas F. Hunt, University of California, Berkeley; Dr. Aurelia H. Reinhardt, Mills College; R. B. Hale, care of Hale Bros., San Francisco; Luther Burbank, 204 Santa Rosa Avenue, Santa Rosa.
"Vice Presidents: Hon. Victor H. Metcalf, 245 Perkins Street, Oakland; Hon. William D. Stephens, Sacramento; Hon. Lyman J. Gage, Point Loma, San Diego; Milton G. Esberg, San Francisco; W. W. Morrow, United States circuit court judge, San Francisco.

"COLORADO.

"Executive committee: Hon. S. Harrison White, chief justice Colorado Supreme Court, Denver.
"National committee: Clarence P. Dodge, Colorado Springs Gazette, Colorado Springs; Thomas B. Stearns, Denver; H. T. French, director of extension Colorado Agricultural College, Fort Collins; Mrs. H. W. Bennett, Littleton.

"Vice presidents: Hon. Julius C. Gunter, Denver; Right Rev. Francis J. McConnell, 964 Logan Street, Denver; Hon. Oliver H. Shoup, executive offices, Denver.

"CONNECTICUT.

"Executive committee: Col. Isaac M. Ullman, 84 Olive Street, New Haven.

"National committee: D. N. Barney, Farmington; Ira M. Coburn, secretary State Federation of Labor, 215 Meadow Street, New Haven; Prof. Irving Fisher, 460 Prospect Street, New Haven; Ernest Fox Nichols, Yale University, New Haven; Dr. Frank Chamberlin Porter, 266 Bradley Street, New Haven; George V. Smith, 246 Meadow Street, New Haven; Miss Dotha Stone Pinneo, Norwalk; Prof. Charles E. Wheeler, Storrs.

"Vice presidents: Right Rev. Chauncey B. Brewster, 98 Woodland Street, Hartford; Hiram Percy Maxim, 550 Prospect Avenue, Hartford; Dr. Charles R. Brown, 233 Edwards Street, New Haven; Prof. Henry W. Farnam, 43 Hillhouse Avenue, New Haven; Prof. Theo. S. Woolsey, 250 Church Street, New Haven.

"DELAWARE.

"National committee: Mrs. H. B. Thompson, Greenville; Dean Harry Hayward, Delaware College, Newark; Dr. Samuel C. Mitchell, Delaware College, Newark; Fred W. Stierle, secretary Central Labor Union, Wilmington.

Vice presidents: Hon. J. G. Townsend, jr., Dover; Hon. George Gray, 466 Dupont Block, Wilmington; Hon. Charles R. Miller, Wilmington.

"DISTRICT OF COLUMBIA.

"Executive committee: Hon. John Barrett, Director General Pan American Union, Washington; Samuel Gompers, American Federation of Labor, Washington; Hon. Vance C. McCormick, administrator Board Exports Council, Washington; Mrs. Philip North Moore, Wardman Park Inn, Washington; Prof. Leo S. Rowe, Assistant Secretary of Treasury, Washington; Dr. Anna Howard Shaw, 1626 Rhode Island Avenue, Washington; Hon. William Howard Taft, 931 Southern Building, Washington; Hon. C. B. Ames, Assistant to the Attorney General, Washington.

"National committee: Hon. Larz Anderson, 2118 Massachusetts Avenue, Washington; Mrs. Antoinette Funk, Treasury Department, Washington; Hon. Martin A. Knapp, United States Commerce Court, Washington; Maj. E. J. W. Proffitt, care Metropolitan Club, Washington; Monsignor William T. Russell, St. Patrick's Rectory, Washington; Col. William C. Sanger, 930 Sixteenth Street NW., Washington; C. W. Thompson, Bureau of Markets, Department of Agriculture, Washington.

"Vice presidents: Alexander Graham Bell, 1331 Connecticut Avenue, Washington; Miss Mabel T. Boardman, 1801 P Street, Washington; Dr. Edward D. Eaton, 3313 Ross Place, Washington; Mrs. Borden Harriman, 1709 H Street, Washington; Hon. H. D. Lindsley, War Risk Insurance Bureau, Treasury Department, Washington; Harry A. Wheeler, Riggs Building, Washington.

"FLORIDA.

"Executive committee: Hon. William R. O'Neal, 115 South Orange Avenue, Orlando.

"National committee: Dr. P. H. Rolfs, University of Florida, Gainesville; F. C. Groover, Jacksonville Chamber of Commerce, Jacksonville; Mrs. William B. Young, Jacksonville; William V. McNeir, box 1022, Pensacola; Hon. W. N. Sheats, 185 North Monroe Street, Tallahassee.

"Vice president: Hon. Sidney J. Catts, Tallahassee.

"GEORGIA.

"Executive committee: Hon. Asa G. Candler, Atlanta.

"National committee: Ivan E. Allen, Fielder & Allen Building, Atlanta; Henry M. Atkinson, Georgia Railroad & Power Co., Atlanta; Jerome Jones, 304 Hurt Building, Atlanta; Mrs. J. R. Lamar, 35 West Eleventh Street, Atlanta; H. E. Stockbridge, Southern Ruralist, Atlanta.

"Vice presidents: Hon. Hugh M. Dorsey, Atlanta; Hon. John M. Slaton, Atlanta; Mell R. Wilkinson, Candler Building, Atlanta; Hon. Peter W. Meldrin, 1007 National Bank Building, Savannah; C. S. Barrett, Farmers' Educational and Cooperative Union of America, Union City.

"IDAHO.

"Executive committee: Hon. James H. Hawley, 610 Overland Building, Boise.

"National committee: S. B. Hayes, Boise; W. W. Deal, master of the Idaho State Grange, Nampa.

"ILLINOIS.

"Executive committee: Edgar A. Bancroft, 606 South Michigan Avenue, Chicago.

"National committee: Hon. William B. McKinley, Champaign; Mrs. Joseph T. Bowen, department of State organization, Chicago; Charles L. Dering, 1005 Old Colony Building, Chicago; Dr. Shailer Mathews, University of Chicago, Chicago; Hon. Henry C. Morris, 140 South Dearborn Street, Chicago; John C. Shaffer, 125 Market Street, Chicago; Prof. Lorado Taft, 6016 Ellis Avenue, Chicago; Charles P. Ford, international secretary International Brotherhood of Electrical Workers, Springfield; Dr. Eugene Davenport, dean agricultural college, Urbana.

"Vice presidents: Hon. Edward O. Brown, 1216 North State Street, Chicago; Hon. Jacob M. Dickinson, 800 The Temple, Chicago; Cyrus H. McCormick, 606 South Michigan Avenue, Chicago; Hon. Martin B. Madden, 3829 Michigan Avenue, Chicago; Harry H. Merrick, 125 West Monroe Street, Chicago; Mrs. John J. Mitchell, 1550 North State Street, Chicago; La Verne W. Noyes, 1146 South Campbell Avenue, Chicago; Harry A. Wheeler, Union Trust Co., Chicago (also in Washington, D. C.); Hon. Oliver Wilson, 214 Callender Street, Peoria.

"INDIANA.

"Executive committee: Hon. William D. Foulke, Richmond.

"National committee: Frank Duffey, general secretary United Brotherhood of Carpenters and Joiners of America, Carpenters' Building, Indianapolis; Hon. J. Frank Hanly, 707 I. O. O. F. Building, Indianapolis; Mrs. Grace Julian Clarke, Irvington; Hon. Edgar D. Crumpacker, 208 Michigan Street, Valparaiso; E. B. Moore, Circleville.

"Vice presidents: Will H. Hays, Republican national committee, Indianapolis; John H. Holliday, Union Trust Co., Indianapolis.

"IOWA.

"Executive committee: E. T. Meredith, Successful Farming, Des Moines.

"National committee: F. A. Canfield, Cedar Rapids; Miss Alice French, Davenport; Dr. John H. T. Main, Grinnell College, Grinnell; James M. Pierce, president Pierce's Farm Weeklies, Des Moines.

"Vice presidents: Hon. W. L. Harding, Des Moines; Hon. Lafayette Young, sr., Des Moines; Hon. M. J. Wade, Iowa City.

"KANSAS.

"Executive committee: Hon. Arthur Capper, 1031 Topeka Avenue, Topeka; Foster Dwight Coburn, 424 Topeka Avenue, Topeka.

"National committee: Dr. Frank Strong, University of Kansas, Lawrence; Alexander Howat, president United Mine Workers of America, Pittsburg; Hon. Stephen H. Allen, Topeka; Mrs. H. O. Garvey, 515 Buchanan Street, Topeka; J. C. Mohler, secretary State Board of Agriculture, Topeka.

"Vice presidents: William Allen White, Emporia; Hon. Charles F. Scott, Iola; W. R. Stubbs, Lawrence; Hon. Henry J. Allen, executive offices, Topeka; Frank P. MacLennan, State Journal, Topeka.

"KENTUCKY.

"National committee: T. R. Bryant, assistant director of extension Agricultural College, University of Kentucky, Lexington; Mrs. Thomas Jefferson Smith, 1420 St. James Court, Louisville.

"Vice presidents: Hon. A. O. Stanley, Frankfort; Henry Watterson, Louisville.

"LOUISIANA.

"National committee: A. T. Prescott, Louisiana State University, Baton Rouge; James M. Thomson, New Orleans Item, New Orleans; T. J. Greer, president State Federation of Labor, Shreveport.

"Vice presidents: Hon. Ruffin G. Pleasant, Baton Rouge; Dr. Paul H. Saunders, New Orleans.

"MAINE.

"National committee: H. B. Brawn, secretary State Federation of Labor, Augusta; Mrs. John F. Hill, Augusta; Leon S. Merrill, College of Agriculture, Orono; W. P. Thompson, South China.

"Vice presidents: Hon. Carl Milliken, Augusta; William T. Cobb, Bath Iron Works (Ltd.), Bath.

"MARYLAND.

"Executive committee: William F. Cochran, 1531 Munsey Building, Baltimore; Hon. Theodore Marburg, 14 Mount Vernon Place, West Baltimore.

"National committee: Mrs. Edward Shoemaker, 1031 North Calvert Street, Baltimore; Francis A. White, Keyser Building, Baltimore; Henry W. Williams, Fidelity Building, Baltimore; H. J. Patterson, College Park.

"Vice presidents: Hon. Emeron C. Harrington, Annapolis; Bernard N. Baker, 905 Calvert Building, Baltimore; His Eminence J. Cardinal Gibbons, 408 North Charles Street, Baltimore; Miss Kate M. McLane, 211 West Monument Street, Baltimore.

"MASSACHUSETTS.

"Executive committee: Edward A. Filene, 426 Washington Street, Boston; A. Lawrence Lowell, Harvard University, Cambridge; James Duncan, Hancock Building Quincy; Dr. Harry A. Garfield, Williams College, Williamstown.

"National committee: Kenyon L. Butterfield, Amherst; Ralph W. Redman, Massachusetts Agricultural College, Amherst; Henry Abrahams, 11 Appleton Street, Boston; Hon. James Mott Hallowell, Pemberton Building, Boston; Rev. Hubert C. Herring, 14 Beaver Street, Boston; Prof. George H. Blakeslee, Clark University, Worcester.

"Vice presidents: Mrs. Fannie Fern Andrews, 405 Marlborough Street, Boston; Dr. E. Francis Clarke, 31 Mount Vernon Street, Boston; Henry L. Higginson, 191 Commonwealth Avenue, Boston; Charles C. Jackson, 462 Beacon Street, Boston; Right Rev. William Lawrence, 122 Commonwealth Avenue, Boston; Hon. Samuel W. McCall, 68 Devonshire Street, Boston; Rev. Edward Cummings, 104 Irvington Street, Cambridge; Prof. Francis G. Peabody, 13 Kirkland Street, Cambridge; William Roscoe Thayer, 8 Berkeley Street, Cambridge; Prof. George G. Wilson, Harvard University, Cambridge; Mrs. J. Malcolm Forbes, 280 Adams Street, Milton; Miss Mary E. Woolley, Holyoke College, South Hadley.

"MICHIGAN.

"Executive committee: E. B. Caulkins, Michigan Steel Casting Co., Detroit.

"National committee: Dr. Harry B. Hutchins, University of Michigan, Ann Arbor; Mrs. Carolina Bartlett Crane, Kalamazoo; Right Rev. Charles D. Williams, St. Paul's Cathedral, Detroit; Prof. E. H. Ryder, Agricultural College, department of history, East Lansing.

"Vice presidents: Hon. Woodbridge N. Ferris, 515 Elm Street, Big Rapids; John W. Blodgett, Grand Rapids; Hon. H. A. Sleeper, Lansing.

"MINNESOTA.

"Executive committee: E. J. Couper, care of Northwestern Knitting Mills Co., Minneapolis; Dr. Donald J. Cowling, Carlton College, Northfield.

"National committee: Mrs. J. L. Washburn, Duluth; Dr. Marion L. Burton, University of Minnesota, Minneapolis; Hon. Adolph O. Eberhardt, Title Holding & Mortgage Co., Metropolitan Bank Building, Minneapolis; George W. Lawson, secretary State Federation of Labor, 75 West Seventh Street, St. Paul; Prof. A. D. Wilson, director of Extension and Farmers' Institutes, University Farm, St. Paul.

"Vice Presidents: Dr. Cyrus Northrup, University of Minnesota, Minneapolis; Hon. J. A. A. Burnquist, St. Paul.

"MISSISSIPPI.

"Executive committee: J. T. Thomas, care of Bank of Grenada, Grenada.

"National committee: Dr. G. R. Hightower, Agricultural College; Prof. F. P. Gaines, Agricultural College; Miss Belle Kearney, Flora; Mrs. Daisy McL. Stevens, Hattiesburg.

"Vice presidents: Hon. John Sharp Williams, Benton; Hon. Leroy Percy, Greenville.

"MISSOURI.

"Executive committee: William T. Kemper, Southwest National Bank of Commerce, Kansas City; Frederick N. Judson, 1326 Boatmen's Bank Building, St. Louis.

"National committee: Henry M. Beardsley, Kansas City; Chester H. Gray, president Missouri Farm Bureau Association, Nevada; George Warren Brown, Advertising Building, St. Louis; Mrs. Benjamin F. Bush, 5334 Waterman Avenue, St. Louis; Prof. Roland G. Usher, 5737 Gates Avenue, St. Louis.

"Vice presidents: Hon. Frederick D. Gardner, Jefferson; Benjamin F. Bush, St. Louis; Clarence H. Howard, Commonwealth Steel Co., St. Louis; Wallace Simmons, Simmons Hardware Co., St. Louis; Melville L. Wilkinson, St. Louis.

"MONTANA.

"National committee: F. S. Cooley, director of extension, Montana State College, Bozeman; M. M. Donoghue, 531 Diamond Street, Butte.

"Vice president: Hon. Samuel V. Stewart, Helena.

"NEBRASKA.

"National committee: Mrs. Althera H. Letton, 1910 E Street, Lincoln; W. A. Fraser, W. O. W. Building, Omaha; Victor Rosewater, Omaha.

"Vice presidents: Hon. S. R. McKelvie, Executive Offices, Lincoln; Hon. Keith Neville, Lincoln, Nebr.

"NEVADA.

"Executive committee: Hugh H. Brown, State Banking & Trust Co. Building, Tonopah.

"National committee: Charles A. Norcross, director of extension, University of Nevada, Reno; Frank W. Ingram, chairman State legislative board B. L. F. and E., Sparks.

"Vice president: Hon. Emmet B. Boyle, Carson City.

"NEW HAMPSHIRE.

"Executive committee: Gen. Frank S. Streeter, Concord.

"National committee: R. D. Hetzel, president New Hampshire College, Durham; Mrs. Alpha H. Harriman, 778 Main Street, Laconia; Winston Churchill, Cornish.

"Vice presidents: Hon. John H. Bartlett, Executive Offices, Concord; Hon. Henry W. Keyes, Concord.

"NEW JERSEY.

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"EXHIBIT C.

"A PARTIAL LIST OF NATIONAL ORGANIZATIONS THAT HAVE INDORSED LEGAGUE OF NATIONS.

"National Association of Post Office Laborers. Mr. Conrad Kessler, 423 West Forty-ninth Street, New York City.

"Disciples of Christ. Rev. Edgar Dewitt Jones, 8 Whites Place, Bloomington, Ill.

"National American Woman Suffrage Association. Mrs. Carrie Chapman Catt, 171 Madison Avenue, New York, N. Y.

"Church Peace Union. Dr. Frederick Lynch, 70 Fifth Avenue, New York, N. Y.

"American Agricultural Association. Mr. G. W. Stearn, 1125 Fourteenth Street NW., Washington, D. C.

"American Federation of Labor. Mr. Samuel Gompers, American Federation of Labor Building, Washington, D. C.

"American Manufacturers' Export Association. Mr. E. V. Douglass, 160 Broadway, New York, N. Y.

"Associated Advertising Clubs of the World. Mr. William C. D'Arcy, International Life Building, St. Louis, Mo.

"United States Chamber of Commerce (referendum No. 11). Mr. Harry A. Wheeler (November, 1915), 7 South Dearborn Street, Chicago, Ill.

"United Brethren in Christ Board of Bishops. Bishop William M. Bell, 1450 Fairmont Street NW., Washington, D. C.

"World Alliance for Promoting International Friendship. Rev. William P. Merrill, 105 East Twenty-second Street, New York, N. Y.

"Council of Jewish Women. Mrs. Nathaniel E. Harris, 114 South Avenue, Bradford, Pa.

"Dames of Malta. Mr. John H. Larson, 1345 Arch Street, Philadelphia, Pa.

"National Society Daughters of American Revolution. Mrs. George Thatcher Guernsey, The Rochambeau, Washington, D. C.

"Farmers' Educational and Cooperative Union of America. Mr. Charles S. Barrett, Union City, Ga.

"Farmers' National Reconstruction Conference, Washington, D. C.

"Federal Council of the Churches of Christ in America. Rev. Frank Mason North, 612 Charities Building, 105 East Twenty-second Street, New York City.

"Evangelical Lutheran Church in United States of America. Rev. Victor G. A. Tressler, 515 North Fountain Avenue, Springfield, Ohio.

"National Board of Farm Organizations. Charles A. Lyman, secretary, 615 Woodward Building, Washington, D. C.

"The Gideons. Mr. Harry J. Humphreys, 2474 Third Avenue, Huntington, W. Va.

"Grand Aerie, Fraternal Order of Eagles. J. S. Parry, Esq., Buffalo, N. Y.

"Grand Chamber Order Knights of Friendship. Mr. Samuel P. Faust, 618 Washington Street, Reading, Pa.

"National Reform Association. Dr. Henry Collin Minton, 440 Bellevue Avenue, Trenton, N. J.

"International Order of the King's Daughters and Sons. Mrs. A. H. Evans, 336 West Eighty-sixth Street, New York, N. Y.

"Grand Lodge Independent Order of Daughters of St. George. Mrs. Elizabeth Tennant, 12 Elsmere Avenue, Methuen, Mass.

"International Railway General Foremen's Association. Mr. L. A. North, 1518 Seventy-sixth Place, Chicago, Ill.

"Military Order of Foreign Wars of the United States, National Commandery. Brig. Gen. Samuel W. Fountain, Room A, Bellevue-Stratford, Devon, Pa.

"National Association of Brass Manufacturers. Mr. William W. Webster, 139 North Clark Street, Chicago, Ill.

"National Association of Builders' Exchange. Col. John R. Wiggins, Philadelphia, Pa.

"National Association Merchant Tailors of America. Mr. Albert Mathews, 27 East Monroe Street, Chicago, Ill.

"National Council of Women. Mrs. Philip North Moore, 3125 Lafayette Avenue, St. Louis, Mo.

"National Economic League. Mr. J. W. Beatson, 6 Beacon Street, Boston, Mass.

"Department of superintendence, National Education Association of the United States. Prof. George D. Strayer, Columbia University, New York, N. Y.

"National Federation of Implement and Vehicle Dealers' Association. Mr. C. M. Johnson, Rush City, Minn.

"The National Grange. Mr. Oliver Wilson, Peoria, Ill.

"The National Party. Mr. Allen McCurdy, 15 East Fortieth Street, New York, N. Y.

"National Retail Dry Goods Association. Mr. Francis Kilduff, 33 West Forty-second Street, New York, N. Y.

"New England Hardware Dealers' Association. Mr. George A. Fiel, 10 High Street, Boston, Mass.

"Pan American Labor Conference, Laredo, Tex. Mr. Samuel Gompers, American Federation of Labor Building, Washington, D. C.

"Shepherds of America, supreme sanctuary. Mr. Archie L. Wicks, 26 Wiggins Avenue, Patchogue, N. Y.

"American Friends of German Democracy. Mr. Franz Sigel, 6 West Forty-eighth Street, New York, N. Y.

"Farmers' Equity Union. Mr. P. L. Betts, Chicago, Ill.

"Southern Commercial Congress. Mr. William H. Saunders, Southern Building, Fifteenth and H Streets, Washington, D. C.

"Southwestern Shoe Travelers' Association. Mr. B. M. McWhirter, box 1102, Waco, Tex.

"North Central Association of Colleges and Secondary Schools. Mr. George Buck, Shortridge High School, Indianapolis, Ind.

"Synod of the Province of New England, representing Episcopal churches of New England. Rev. Ernest J. Dennen, 1 Joy Street, Boston, Mass.

"National Society Christian Endeavor. Rev. Francis E. Clark, LL. D., Mount Vernon and Joy Streets, Boston, Mass.

"American Insurance Union. Dr. George W. Hogland, A. I. U. Building, Columbus, Ohio.

"Lake Mohonk Conference on International Arbitration. Mrs. Daniel Smiley, Mohonk Lake, Ulster County, N. Y.

"Religious Education Association. Rev. Henry F. Cope, 1440 East Fifty-seventh Street, Chicago, Ill.

"Woman's Auxiliary Southern Commercial Congress. Miss Louise Lindsley, Nashville, Tenn.

"General Federation of Women's Clubs, representing 2,000,000.

"Victory Committee of Women, composed of heads of all organizations who did active war work, such as councils of national defense, National League for Woman's Service, etc.

Indian Rights Association. M. K. Sniffen, 995 Drexel Building, Philadelphia, Pa.

"Midyear Conference of Home Missions Secretaries of the Disciples of Christ.

"Mid-European Union, October, 1918.

"General Assembly of the Presbyterian Church in the United States of America, representing 1,600,000 members.

"Children of American Loyalty League. Mrs. Nat. S. Brown, 320 Boatmans Bank Building, St. Louis, Mo.

"Northern Baptist convention, representing 1,500,000."

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"A PARTIAL LIST OF STATE ORGANIZATIONS THAT HAVE INDORSED LEAGUE OF NATIONS.

"Alabama State Bar Association.

"Arkansas Sunday School Association.

"High School Principals Convention, California.

"California Federation of Women's Clubs, northern district.

"California Sunday School Association.

"The California Branch of the League to Enforce Peace.

"The California Society Dames of the Loyal Legion.

"California Rural State Letter Carriers' Association.

"Northern California Hotel Association.

"Modern Language Association of Southern California.

"The Great Council of Colorado, Improved Order of Red Men.

"Federation of Labor of Colorado.

"Connecticut State Association of Letter Carriers.

"Order of the Eastern Star, Connecticut.

"Past Exalted Rulers Association, Benevolent and Protective Order of Elks, of Connecticut.

"Petition signed by faculty and students of the Women's College of Delaware.

"National Society Daughters of the American Revolution, Florida Branch.

"Florida Division United Daughters of the Confederacy.

"Florida Bankers Association.

"Florida Federation of Women's Clubs.

"Florida Woman's Christian Temperance Union.

"Alumnæ Association Illinois Training School for Nurses.

"Twelfth District Illinois Federation of Women's Clubs.

"Illinois Lumber and Builders Supply Dealers' Association.

"State Conference of County Agents, Iowa.

"Iowa Conference Daughters of the American Revolution.
"State Grange, Iowa.
"Royal Neighbors of America, Kansas.
"Kansas Division Farmers' Education and Cooperative Union of America.
"Kansas State Live-Stock Association.
"Farmers' National Congress for Kentucky.
"Kentucky Purebred Live-Stock Association.
"Executive board Kentucky State Federation of Labor.
"Maine State Board of Trade.
"State Federation of Labor, Maine—1917 and 1918.
"Maine State Grange.
"Massachusetts State Society Daughters of the American Revolution.
"Rebekah Assembly, Independent Order of Odd Fellows, Michigan.
"Michigan State Association of Letter Carriers.
"Rural Life Conference Central Michigan Normal School.
"Mississippi Sunday School Association.
"Missouri Federation of Women's Clubs.
"Farmers' National Congress of the State of Missouri.
"The Nebraska Retail Hardware Association.
"Nebraska State Grange.
"New Hampshire Federation of Women's Clubs.
"State Department of Agriculture and Merrimack County Farm Bureau, New Hampshire.
"New Hampshire Manufacturers' Association.
"New Hampshire Bankers' Association banquet.
"New Hampshire Federation of Women's Clubs.
"Grand Castle of New Jersey, Knights of the Golden Eagle.
"New Jersey Woman Suffrage Association.
"Fifth Annual Synod of Episcopal Bishops, Clergy and Laymen of the Province of New York and New Jersey.
"New York Peace Society.
"New York Fraternal Congress.
"Retail Lumber Dealers' Association, New York.
"New York State Grangers.
"Daughters of the Revolution, State of New York.
"New York State Federation Women's Clubs.
"North Carolina Conference for Social Service.
"North Carolina Farmers' State Convention.
"North Carolina Educational Association.
"North Dakota Grangers.
"Master House Painters and Decorators' Association, Ohio.
"Ohio Retail Furniture Dealers' Association.
"Women of the Northwest through the Woman's Bureau of Social Equity of the Council of Women Voters, Oregon.
"Convention, Diocesan Protestant Episcopal Church, Pennsylvania.
"Pennsylvania Council National Defense.
"Pennsylvania State Grange.
"Sons and Daughters of Liberty, Rhode Island.
"Rhode Island Woman Suffrage Party.
"Woman's Christian Temperance Union, Rhode Island.
"Rhode Island State Federation of Women's Clubs.
"Rhode Island Branch, National Congress of Mothers and Parent-Teachers' Association.
"The Maccabees, Rhode Island.
"Rhode Island Equal Suffrage Association.
"Grand Commandery, Knights Templar of South Carolina.
"Woman's Missionary Council of the Methodist Episcopal Church South, Tennessee.
"National League for Woman's Service, Tennessee.
"Daughters of the American Revolution, Texas.
"Texas Federation of Women's Clubs.
"The Texas State Dental Society.
"Texas Library and Historical Commission.
"State Rebekah Assembly, Independent Order of Odd Fellows, Texas.
"Vermont State Federation of Women's Clubs.
"Grand Council Order Fraternal Americans, Virginia.
"Wisconsin Association of Optometrists.
"Dairymen's Association, Wisconsin.
"Wisconsin Electrical Association.
"Wisconsin Gas Association.
"Grand Lodge of Wisconsin, International Order of Good Templars.
"International Order of the King's Daughters and Sons, Wisconsin Branch.
"National League for Woman's Service, Wisconsin.
"Directors of the Woman's Synodical Missionary Society of the Presbyterian Church in Wisconsin.
"Wisconsin Retail Hardware Association.
"Wisconsin Sheet Metal Contractors' Association.
"Wisconsin State Bottlers' Association."

Mr. HITCHCOCK. Mr. President, before I take my seat I desire to refer also to the statement made by the correspondent of the Senator from Connecticut [Mr. BRANDEGEE] to the effect that I had declared that no one opposed the league of nations except socialists, Bolshevists, and anarchists. I made no such statement. What I said was that the organized efforts in the United States against the league of nations consisted of organizations for political purposes, for the purpose of making political capital, and outside of that in the United States there was no church organization, no women's organization, no labor organization, no business organization, no educational organization, and no organization of a nonpartisan character having for its purpose the welfare of the country that supported those Senators who are here antagonizing and seeking to destroy the league of nations as a method of securing international peace. I declared, furthermore, and I repeat, that there are certain organizations in the United States and in other countries anxiously at work to destroy the league of nations, and that those organizations are the anarchists, the Bolshevists, and the organized enemies of society and of government everywhere; and that is true not only in the United States but it is true in other countries as well.

In the New York Times of yesterday this special cablegram appeared. It is from Berne, Switzerland:

Swiss Presidents have hitherto been spared from molestation by anarchists or madmen, but since the Bolshevist propaganda has penetrated this small Republic even the venerable and highly respected chief of State, M. Ador, has been the victim of something much resembling an attempt on his life.

Yesterday an individual named Weissenbach, pushing aside the President's woman secretary, forced an entrance in M. Ador's room and is reported to have seized the President by the throat. He might have strangled M. Ador had not the brother of the Swiss defense minister rushed in and rescued him.

Weissenbach was one of those who recently took part in a meeting in opposition to Switzerland joining the league of nations. It is not yet known whether he is a Bolshevik or is crazy or both.

Last Sunday, when Federal Councilor Callonder was addressing a mass meeting at Winterthur in favor of Switzerland joining the league, a number of Bolsheviki attempted unsuccessfully to break up the meeting. It is now believed that the Bolsheviki and the Pan Germans are cooperating in an endeavor to prevent Switzerland from becoming a member of the league.

Nevertheless, the Swiss Government, realizing that should Switzerland not join the league within the stipulated time Geneva might not become the league seat, has called a special session of Parliament for November 10 to decide the question. As the decision must finally come to a referendum, many of the ablest Swiss intellectuals, historians, and others are addressing mass meetings explaining the objects of the league, and they urge that Switzerland join it immediately.

This would probably have been needless but for the pro-German and Bolshevist propaganda and press. All Swiss newspapers which during the war served the cause of the German general staff are now opposing the league, while all which were and are friendly to the Entente, including the entire French-Swiss press, are advocating it.

President Wilson's illness has cast a positive gloom over French Switzerland, and is sincerely deplored by leading German Swiss papers, such as the Neue Züricher Zeitung. Although it would hardly be credited, yet Bolshevist, Sinn Fein, and pro-German circles are positively rejoicing, and the hope is openly expressed that, now that the President lies prostrate, his senatorial opponents will succeed in wrecking his policy and prevent America from joining the league.

Mr. President, that is only a sample of the news that comes from all over the world, that the Bolshevists and the lawless elements and the enemies of society and those who oppose stable government everywhere in the world object to this league of nations. They are the organized plotters against it in other countries, and they are the organized bodies against it in the United States. Where are any church organizations opposing the league of nations? Where are any business men's organizations opposing the league of nations? Where are any labor organizations opposing the league of nations in the United States? Where are any educational organizations in the United States opposing the lengue of nations? Where are any such organizations having at heart the welfare of the country, the stability of government, and the public welfare, opposing the idea of the nations getting together and organizing for the peace of the world? There are none such.

Mr. President, heretofore the world has been organized for war. This is an effort to organize the nations for peace; and the reason that the Bolshevists and the anarchists and the enemies of society everywhere object to organizing the world for peace is that they fear it will stabilize government and prevent the arrival of anarchy.

I do not say that Senators are purposely cooperating with such organizations; but I repeat, and I challenge contradiction, that every newspaper in the United States published in the interest of anarchy, extreme socialism, and Bolshevism, without any exception, is opposing the league of nations, and every organization of that character which is opposed to the stability of society and of government is also opposing it.

I say this merely in reply to the correspondent of the Senator from Connecticut [Mr. BRANDEGEE], who seems to resent the

statement I made that those organizations are opposing the league of nations.

Senators may not like the partnership; they may not like to have that sort of support in their effort to defeat the league of nations; but they have it, whether they want it or not.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, I rise for the purpose of discussing briefly the question which is supposed to be now before the Senate, and that is the first amendment reported by the Committee on Foreign Relations, intended to secure equality of voting to the United States in the council and assembly of the league of nations.

I intend to vote for that amendment, as I voted for it in the committee. I am aware that it is inadequate for the purposes for which it is intended; I am aware that if the second amendment is also adopted it still remains in a degree inadequate; but, Mr. President, I vote for it because I believe most profoundly in the principle which it is intended to carry out. I shall vote gladly to make it more adequate, if that is desired by the Senate. I shall vote gladly for a reservation, if it is necessary to have that in order to make the principle of equal voting more effective.

In saying that, Mr. President, I trust nobody will imagine that because I differ from them as to the correctness of voting for this amendment I in any way intend to impugn their patriotism or their motives. To me it is inconceivable that any man who has at heart the welfare, the safety, and the independence of the United States should be willing to vote for the ratification of this treaty without reservation or amendment. Yet I do not question in the slightest degree the patriotism or the motives of those who take a different view. Still less do I question the motives of those who have the same purpose that I have, which is to protect our right to an equal vote in the council and assembly of the league, but who prefer to proceed by reservation rather than amendment. Senators who prefer reservations, but who have the same purpose that I have, I have no question are just as thoroughly American and patriotic as I am. Men who are aiming at the same purpose and trying to attain the same object may differ as to methods, but that does not imply that they are not equally honest in their desire for the general result.

Mr. President, I did not intend to go further on this point, but the Senator from Nebraska has just gone through his favorite morning rehearsal of the organizations and of the very worthy people who favor the league of nations without amendment or without reservation and, I may add, usually without reading more than the title of the instrument. My own personal belief is—and it is based upon letters and resolutions without number, with which I have not sought to load the RECORD—that the great mass of the American people to-day, if we could put the treaty to a popular vote, would be against ratifying the league as it stands. The great majority of the American people to-day, in my judgment, are either against any league or demand effective reservations in order to protect amply and thoroughly the United States.

It is worse than idle, Mr. President, to attempt in an indirect fashion to imply that those who take the view which I and others hold are Bolshevists and socialists and pro-German. I am not concerned to defend my record in the war. I think it speaks for itself. I think my votes will be found to have been unbrokenly against Germany at a time when some others were inclined to cast and did cast votes which I thought were at least sympathetic with Germany and her cause. I do not think anything is gained by such charges as I have described.

Mr. President, there is one thing which I think it would be well to have understood, and that is that there are many Senators in this body whose votes can not be determined by guesses at public opinion or by anyone's convenience. There are many Senators here—a large majority, I think—who are wholly indifferent to what their own political future may be, who care nothing for party advantage or disadvantage, but who profoundly believe, and their belief rests upon the deepest conviction, that this treaty as it stands endangers the safety, the independence, and the welfare of the United States in the future; and no outside pressure, no testimonials to the virtues of the League to Enforce Peace, have the slightest effect upon them. They make up their own minds as to what they think the best interests of their own country demand, and they are not to be guided or influenced by outside pressure, and least of all by being told what Europe wants. The mischief in this treaty lies in the fact, and the reason that it was hung here is, that it was made up with the sole view of what Europe wanted, and the rights and interests of the United States were forgotten too completely by some of the gentlemen who purported to represent us in Paris.

Mr. President, I wish to say something more direct in regard to the pending amendment. One of the objections which has been made to amendments, and which has been a very effective and very unreal objection, is that an amendment would require a reconvening of the peace conference and cause great delay. The peace conference can not be reconvened, because it has never gone out of session. The representatives of all the signatory powers are sitting in Paris at this moment and have been for nearly a year past. They are still engaged in parceling out Europe. They are still engaged in telling other countries what they are to do, which some of the countries totally disregard, as in the case of Roumania; and they are very diligently occupied. They are there and can consider any amendment, and consider it quickly, if we should send it to them. They are in session. It would be perfectly easy, if necessary, to recall them, but it is not necessary; or an amendment could be sent by a note to each power, but that is not necessary. We are not delaying the ratification, for, if I am correctly informed, no ratifications have yet been deposited, and until deposited with the official authority in Paris the ratification is not complete.

But, Mr. President, the proposition that the Senate must not amend the treaty is equivalent to nullifying the power of the Senate. The Senate in the past has amended some 70 treaties—I think that is the number now—I mean amended, not put on reservations. Those amendments have been accepted, and the treaties have gone into effect. We began with the first and one of the most famous treaties, the Jay treaty, in 1795. That was a treaty which had a profound influence upon the condition of the country at the time, and upon its future as well. Washington had determined that it was above all things essential to keep the country out of war, and for that purpose to secure the withdrawal of the English posts on our western frontier. In order to bring about that settlement he sacrificed, as was shown a year or two later, the alliance which we had had with France. It was a very great and a very wise act. In that treaty the Senate made a very important amendment in regard to one clause. It was accepted and the treaty became a law.

This amendment does not touch the treaty with Germany; it is an amendment to one of the league provisions. Therefore, it does not have to go to Germany, which was another bugbear that has been put forward with great effect. Germany is not a member of the league. She is not in the list of those invited to accede. Whenever she is admitted to the league she will take the league as she finds it, because in the interval the league has full power to make amendments. This was admitted by the President in the conversation which the Foreign Relations Committee held with him at the White House—that the right of amendment was undoubted, and that Germany would have to take the league as she found it. The point is too obvious to argue.

Mr. BRANDEGEE. Mr. President, will the Senator permit an interruption at that point?

Mr. LODGE. I will.

Mr. BRANDEGEE. While the Senator says the right to amend the league is undoubted, what does he think of the possibility of amending it as a practicable thing?

Mr. LODGE. You mean under the provision of the league for amendment?

Mr. BRANDEGEE. Yes; under article 26.

Mr. LODGE. I think it is practically unamendable. That article, as I read it, requires that each country should agree to the amendment.

Mr. BRANDEGEE. Every member having representation in the council, and a majority of all the other members.

Mr. LODGE. It reads:

> Amendments to this covenant will take effect when ratified by the members of the league—

Mr. BRANDEGEE. All the members——

Mr. LODGE. "The members of the league" means the countries which are members. It continues:

> Whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

It is very plain to me that in the language "whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly" the words "whose representatives compose" are purely descriptive. I do not think there can be any question whatever that any amendment to this league would have to be submitted to the ratifying power in each country, just as a treaty is submitted.

Those who are represented on the council, the nine countries, would, under the provision of this league, have to be unanimous. If I may draw a parallel, it is very much as if we provided that in amending the Constitution the Thirteen Original States must all agree unanimously to an amendment and a majority of the other States in order to carry an amendment to the Constitution.

Mr. BRANDEGEE. Will the Senator read the rest of article 26?

Mr. LODGE (reading):

No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

That is a slight digression. I do not think the amending provision is practically of any value. Still, the amending power is there in that form.

Now, another point in regard to Germany's acceptance, of which I was speaking. Even if Germany had any right to say anything, which she has not, it would be very easy to make her agree to any amendment. The allied and associated powers have already compelled her to change her constitution in regard to the annexation of Austria, and if they can do that they certainly could secure her agreement to any amendment we choose to make. But it would not be necessary to submit it to her.

Now, Mr. President, I come to the amendment. I have no feeling whatever growing out of the fact that it is Great Britain which has six votes. I should feel just as strongly about it if France, Italy, or any other of the signatories of the league had the same superiority of voting.

During the years of neutrality I did all I could, in my humble way, in the Senate to defend the policies of England in regard to the blockade, a blockade based chiefly on international decisions made by us during the Civil War. I defended the policy of England in that respect at a time when the ranks of the defenders of the English policy were not overcrowded. It is with no feeling whatever, therefore, because it happens to be the British Empire which has these six votes that I advocate equality in voting power. I find no fault with Great Britain, because it was her draft of the league which was taken as its basis. That was wholly within her right, of course. I think perhaps it would have been as wise, more judicious, if she had left the explanation of article 21, covering the Monroe doctrine, to us. But her delegation gave an official and a correct interpretation of that article. I find no fault whatever with the fact that the secretary general of the league, which is the most important office, and its occupant, the man who will have greater influence than anyone else, is Sir Eric Drummond; or that Sir Herbert Ames, of Toronto, Canada, should be the financial director of the permanent secretariat of the league; or that Sir David Henderson of England should be the director general of the Red Cross societies league, organized under article 25 of the covenant; or that Mr. W. A. Appleton was recently elected president of the international division of trade unions in preparation for the labor conference to be held here in October under the auspices of the league. If the other members of the league wish these four great offices to be in the hands of Great Britain, I have not a word to say; I have no possible objection to it. I have no doubt that these gentlemen will perform their duties well.

Nor, Mr. President, do I grudge Great Britain anything she receives under the treaty. The valor, the wonderful fighting, of her armies, through four years, have my deepest admiration. The splendor of her sacrifices all the world admires, and the silent fortitude and undaunted courage of her people are beyond the need of praise. Though all the nations won the war, and we had the good fortune to come in and turn the scale at the last and most crucial moment, no one can deny that it was owing to the fleet of Great Britain that the war was not early lost. I say I grudge her nothing that she receives. But there is one point, Mr. President, at which I stop. I do not think that she or any other country should have more votes in the league of nations than we have.

Mr. President, when the peace conference was called the old international rule that each nation, whether small or large, was a sovereign entity and therefore was entitled to a vote equal to that of any other nation was recognized. I was unable to see then, and I can not see now, how any other rule could be adopted. When it came to the voting in the league, it seemed to me that whatever defect there might be in the general international rule, it was the only practicable one. The only alternative would have been a democratic division of votes according to population, and that seemed to present a great many complications.

If we had gone on the principle of 1 vote for every 10,000,000 inhabitants, for instance, China would have had 40 delegates; of course, if England had counted India in she would have had 35 delegates from India, besides her own. But China would have had 40 delegates to 4 from France, 4 from Great Britain, and 10 from the United States. I merely mention this as an illustration of the difficulty of granting votes on the basis of population. Therefore we adhered to the old rule that each nation, great or small, should have one vote.

But before the terms of the league were agreed to or the treaty signed, Canada, Australia, New Zealand, the Union of South Africa, and India were made members of the league. Of course, four of those are self-governing dominions. The basis on which India was put in, I have never been able to discover. In addition, there is no doubt that Great Britain controls entirely the vote of the Kingdom of Hejaz; and, also, when Persia becomes a member, will control the vote of Persia.

Mr. POINDEXTER. And Portugal.

Mr. LODGE. Yes; and probably others. But those are questions with which we have nothing to do.

Under the treaty as it stands, the fact remains that England has six votes and we have one. I think that is an unsound basis for the league. I think it is wrong in principle, and that it will tend to promote ill feeling and not make for peace or good will. I suppose that we could have insisted that we should have a vote for Porto Rico and a vote for the Philippines and a vote for Guam and a vote for the Virgin Islands, three of them self-governing dominions, if you choose to apply that test; and the other, Guam, is a part of the territory of the United States. I should be very sorry myself to see the United States attempt to secure voting power in that way.

Now, Mr. President, I am very far from wishing that the four self-governing dominions of England should not be members of the league. They are entitled to it by their services, their sacrifices, and their character. I do not wish to deprive one of them of a vote. I am glad they are in the league. I could have spared the Sultan of Hejaz, but I am glad to have Canada in the league; I should be very sorry if she were not there. But I think that we should come back to the principle which ought not to be abandoned, and that if the league is to go on we should have an equal vote with Great Britain.

I have looked up in the last Whitaker's Almanac, which is an English publication—apparently their last censuses are not later than 1911—and I find that the total white population of the British Empire was 59,000,000—England and Wales, 36,070,492; Scotland, 4,760,904; Ireland, 4,390,219; Canada, 7,250,000; Australia, 5,000,000; New Zealand, 1,200,000; and the Union of South Africa, 1,276,242; in all, 59,947,857. That population has probably increased since 1911. But even allowing for any unreasonable rate of increase, the population of the United States still exceeds all the white population of the British Empire. Therefore, on the basis of population alone, we should have an equal vote.

Mr. President, as this is a matter that has been somewhat discussed, I wish to show what I have never doubted, what I think is clear on the face of the instrument, precisely the interpretation given to it by Great Britain, by the Canadians, and by South Africa. I am not wise enough to say what the gentlemen who made these utterances meant in the recesses of their inner consciousness. I am simple, and I can not go beyond what they said. This has been read before, but it will do no harm to read it again; it is brief:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt, it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

If that is not a statement that Canada may be placed in the council, or New Zealand, or any of them, I am unable to see how language could be plainer. That statement is signed by M. Clemenceau, President Woodrow Wilson, and David Lloyd-George.

Sir Robert Borden, who is a very able man, made a speech before the Canadian Parliament. I think it has heretofore been printed in the RECORD, but I desire to read a few passages from it. He begins by saying:

The status of the dominions at the peace conference was the subject of long and earnest discussion. Various methods, which it is not necessary to explain, were suggested. In the end I proposed that there should be a distinctive representation for each dominion similar to that accorded to the smaller allied powers—

Nobody has any doubt whatever as to the vote and power the smaller allied powers have in the league—

and, in addition, that the British Empire representation of five delegates should be selected from day to day from a panel made up of representatives of the United Kingdom and the dominions.

That reference is to the delegates to the peace conference, and they were changed so as to allow representation to the various British dominions. He then says:

At first strong objection was made to the proposed representation of the British dominions. Subsequently there was a full discussion in the British Empire delegation, at which a firm protest was made against any recession from the proposal adopted in London. In the end that proposal was accepted.

Then, later he says:

I proposed that the assent of the King as high contracting party to the various treaties should, in respect of the Dominions, be signified by the signature of the Dominion plenipotentiaries.

That was adopted. Then, he says:

So that the Dominions appear therein as signatories and their concurrence in the treaties is thus given in the same manner as that of other nations.

This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly, I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by His Majesty, so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

Then, speaking of the Dominions, he says:

They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members.

If anything can be clearer than that, I do not know how it can be made clearer. The rights, the vote, and the authority of other signatory members are undisputed. Then, he says:

The future relationship of the nations of the empire must be determined in accordance with the will of the mother country and of each Dominion in a constitutional conference to be summoned in the not distant future. Undoubtedly it will be based upon equality of nationhood. Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britannic commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

The same powers being reposed in the world league of nations as in the British league of nations.

On behalf of my country, I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American continents. Her resolve had given inspiration, her sacrifices had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty and far less conspicuous in their sacrifice.

That is, he understood, and understood correctly, that they stand on the same ground as every other signatory, each of whom has one independent vote. If they stand on the same ground, each of the British colonies will have one independent vote.

Mr. POINDEXTER. Mr. President, will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. POINDEXTER. It has been argued by some distinguished advocates of the league that in a controversy between the United States and the British Empire to be submitted to the assembly for decision the United States, being a party in interest, is excluded and Great Britain and her five colonies would all be excluded. I should like to know if that is the view of the Senator from Massachusetts, or whether or not, upon the premises which he has laid down, the colonies, occupying in the league an equal status in every respect with other signatories and there being nothing in the league to the effect just stated, that those colonies would sit and vote as independent nations?

Mr. LODGE. Sir Robert Borden has declared in the plainest terms that they have the rights of every signatory nation. Every signatory nation has one independent vote, and the British colonies each have one independent vote, not to be determined by the British Empire in any way at all. Nothing could be clearer. If more evidence were needed, let me read what Gen. Smuts, who was one of the principal makers of the draft, said in regard to the relations of Great Britain and the dominions at the meeting of the Parliament of the Union of South Africa, at Cape Town on September 10. The dispatch is from the London Times and is dated September 10. Gen. Smuts said:

Regarding the league of nations, it was incorrect to say that in the league the British Empire was a unit. The Empire was a group, but South Africa had exactly the same rights and voice as England. Though England was a permanent member of the central council, South Africa could be elected to that council.

What could be plainer than that? Gen. Smuts, who was one of the principal makers of the instrument, so interprets it. There can not be any question that the British dominions will each have a separate vote.

Mr. WATSON. Mr. President, am I justified in understanding from that letter that England and South Africa might both be represented on the council at the same time?

Mr. LODGE. I think there is no question as to that. There is no limitation in the statement of Lloyd-George, Clemenceau, and the President in which, without qualification, they declare the British colonies to be eligible to the council.

Mr. WATSON. If the Senator will pardon me further, some have taken the position that the British Empire was entitled only to one representative on the council, and if that one representative came from Canada, then there could be no other representative from the British Empire.

Mr. LODGE. I see nothing whatever to justify that view. The statement is plain. Sir Robert Borden and Gen. Smuts, both able men, certainly were there and knew what they were doing, and they have stated that each of the self-governing dominions, including, of course, India, occupies the same position as that occupied by Belgium or Spain or any other country as a member of the league. It is the right of Belgium, if she has the opportunity, to have a representative on the council. If, as they state—and state correctly—the rights of the British colonies are the same as the rights of Belgium, which is one of the smaller signatory powers mentioned by them, they can not be deprived of the right to sit on the council.

Mr. President, I am not going to go over the well-trodden ground as to where the six votes count.

Mr. JONES of New Mexico. Mr. President, will the Senator yield for a question?

Mr. LODGE. I yield.

Mr. JONES of New Mexico. Assuming to be correct the position just taken by the Senator in regard to Canada and other dominions of the British Empire becoming members of the council, so that the empire might have more than one representative on the council, I should like to ask the Senator if that could occur except by the vote of the United States?

Mr. LODGE. No; it could not as the treaty now stands as to additional; but that does not alter the principle. It could be done, however, without the vote of the United States in the case of electing new members of the league. New members can be elected by two-thirds of the assembly; there is no limitation in that respect; and in constituting two-thirds of the assembly, of course, Great Britain has six votes to start with and two or three others that she controls, which will be a help toward electing her candidate.

Mr. OVERMAN. Mr. President, will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. OVERMAN. Do I understand the Senator to say that if the British Empire were a party in interest and Canada were a member of the council, Canada could cast a vote?

Mr. LODGE. It is not necessary to state the case with reference to membership upon the council. The British Empire would have five votes in the assembly, if the dispute were taken there. If the British colonies have, as Sir Robert Borden and Gen. Smuts say they have, and as I think the treaty provides beyond a doubt, all the rights of other signatory powers their five votes can not be taken away from them. There is nothing in the treaty to justify a contrary conclusion.

Mr. SHIELDS. Mr. President, will the Senator allow me to interrupt him?

Mr. LODGE. I yield.

Mr. SHIELDS. In answering the Senator from New Mexico [Mr. JONES] a few moments ago the Senator, as I understood him, said that one of the British dominions or provinces could not be elected on the council without the consent of the United States. I am not sure that that is the proper construction of the league covenant. Article 4 provides:

The council shall consist of representatives of principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly, representatives of Belgium, Brazil, Spain, and Greece shall be members of the council.

The question is whether it is a fact that there is required a unanimous vote in the assembly in the case of the election of new members to the council. Let us see. Article 5 provides:

Except where otherwise expressly provided in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or the council shall require the agreement of all of the members of the league represented at the meeting.

All matters of procedure at meetings of the assembly or of the council, including the appointment of committees to investigate particular mat-

ters, shall be regulated by the assembly or by the council, and may be decided by a majority of the members of the league represented at the meeting.

I hardly think that anyone would say that the election of a member of the council would be a "decision." A decision implies the passing upon a dispute where there is a controverted point, such as courts decide. It implies that the council is then sitting as a judicial body, while the matter of an election is one of procedure. Therefore I think that a majority can elect.

Mr. LODGE. Mr. President, I agree with the Senator about that. I answered the question of the Senator from New Mexico in a general way. On the face of the covenant as it stands, it may be contended, I think, that in the case of the election of additional members of the league whose representatives shall also be members of the council a unanimous vote of the council would be required. On the question of filling the four places which are left to the discretion of the assembly, however, I am very clear that they can be filled by the assembly alone, and that a unanimous vote is not required.

Mr. SHIELDS. I thought perhaps the Senator had not fully grasped the question.

Mr. LODGE. I did not guard my reply sufficiently. Of course, there is a great deal of dispute over that point, but I think we shall find that it will be decided in the way the Senator and I think it can be decided.

I am not blaming England for getting in her dominions. Take, for instance, the first article:

> Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly.

That is wholly a matter for the determination of the assembly. There the six votes of England count, and we have only one, and there is no veto possible by the requisition of unanimity.

England has Newfoundland, just as much entitled as Canada, as a self-governing dominion, to come in. It so happens that the only States that the words "self-governing dominion" exactly cover are English possessions. I do not wonder that England did it. I find no fault with her. She was looking after her own interests there. It was her duty to do it. It was perfectly right that she should. Where I find the fault is that we had nobody who cared for our interests as those of Great Britain were cared for.

Mr. President, I am not going over the points where they have their six votes to our one. They have been gone over many times, and will be gone over many times more. I have not any doubt, in the case of a dispute—I am not speaking now of a dispute with Canada or Great Britain, but a dispute between the United States and Japan—that England would have her six votes and we should have none; and if Great Britain herself were in a dispute, I think her five colonies would all have their votes just as much as Belgium and Italy would have their votes. They stand on the same ground.

Mr. SHIELDS. Mr. President, this matter has been discussed all the time as though England had six votes only. As I remember, Persia is one of the countries invited to become a member of the league.

Mr. LODGE. I mentioned Persia and the Kingdom of Hejaz. Of course, England controls both those votes.

Mr. SHIELDS. I was just going to call attention to the fact that The Nation, of London, has referred to that in stating that under this treaty negotiated right along while the league of nations covenant was pending, evidently hurried before it was perfected, England has taken over Persia, and will rule it completely—appoint all of its officers, run all of its internal affairs, and receive all of its revenues. In other words, it has a more complete control over Persia now than it has over India.

Mr. LODGE. It has complete control of its finances and its army, which gives it control of the country.

All I wish to say in conclusion—and I have taken more time than I had intended—is that what I am interested in, in this amendment, in any other form of it that may be presented, or in any reservation, is the principle involved. I can not, for myself, consent or admit that in the great assembly of the nations the vote of the United States should not be equal to that of any other power. You may turn and twist it as you please; Great Britain and her self-governing dominions, and India, which is a mere chattel of the Empire, have six votes and we have one in the assembly. That is something that I for one can not possibly agree to; and I propose to vote against it in whatever form of amendment, or reservation, or both, or either, it is presented. I will never admit for myself personally that the United States, in the great council of the nations, shall occupy a place of inferiority in power and in representation.

Mr. McCUMBER. Mr. President, before proceeding to answer the argument of the Senator from Idaho [Mr. BORAH], I wish to refer to two statements just made by the Senator from Massachusetts.

I think he has not been entirely fair, although I know that he intends to be, in the broad declaration that Great Britain has six votes, carrying the assumption that there are six votes which Great Britain can declare upon every occasion; that the vote of Canada, the vote of India, the votes of Australia and South Africa can always be placed by Great Britain.

Of course, if the United States should be allowed six votes, those six votes would be cast by one entity and not by six different entities. Let us suppose that India insists that her citizens should have the right of emigration to Canada and settle in Canada——

Mr. LODGE. Mr. President——

Mr. McCUMBER. Just a moment; let me finish the sentence—and that dispute in any way should come before the council or the assembly, and that the vote of India should be in favor of the emigration of Indians to Canada, and the vote of Canada without any possible question would be against it. Now, how could it be said that Great Britain cast either the vote of India or the vote of Canada? She could not cast them both, because they would be diametrically opposed to each other. If the question were a question of the right of Chinese or Indians to emigrate to South Africa and the white representative of South Africa opposed it and the Indian representative voted in favor of it, how could Great Britain cast the votes of both India and South Africa? I submit those two instances to show the fallacy of the claim that Great Britain has these votes.

I now yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I did not mean to imply that Great Britain could always command the votes of the four self-governing dominions. Of course, I do not think India is a happy example of what the Senator is speaking about, because the vote of India is cast from Downing Street. She has no opinion and nothing else, but her representative who signed the treaty was the secretary of state for India. But it might arise over Japanese immigration, and I quite agree that if it did arise, as the Senator sugggests, the four self-governing dominions would vote with the United States, however England wanted them to vote.

I do not mean to say that they can not cast independent votes. Of course they can. That is my whole argument. My proposition is that on all questions affecting the Empire they will cast six votes.

Mr. McCUMBER. And my reply to that, Mr. President, is that if the dispute is one to which the Empire or any one of its self-governing members is a party, they can cast no vote, under article 15. Now, there may be a difference in the construction of that article. If there is a difference in the construction, then I agree with the Senator from Massachusetts absolutely that we could meet that by a reservation where there can be no possibility of any misconstruction.

Mr. LODGE. Mr. President, personally I think there can be but one construction. I think they have the same independent vote there that they would have in the example which the Senator suggested. I can not think their vote can be taken away from them. I do think, admitting that it is doubtful, as the Senator says, that should be covered; but I want to cover them all if I can.

Mr. McCUMBER. But, Mr. President, the vote is taken away from them by the absolute and direct declaration of article 15, which declares that parties to the dispute shall be excluded; and by every process of logic and true reasoning a dispute with a part must be a dispute with the whole, and a dispute with a dominant must be a dispute with each one of its substantive parts.

Mr. BORAH. Mr. President——

Mr. McCUMBER. Just a moment. So that no matter whether you say they have a vote or not, you must say that they have no vote if they are a party to the dispute; and if Great Britain has a dispute, and I can not imagine a single case in which the British Empire as an entity would have a dispute, would be a party to the dispute, which would not include every part of the great British Empire.

I now yield to the Senator.

Mr. BORAH. Mr. President, the proposition stated by the Senator from North Dakota that where there is a dispute the British Empire must speak as a unit is the very proposition which both Mr. Borden and Gen. Smuts rejected, and stated that there might be conditions in which the colonies should have a separate vote, and they intended that the league of nations should be so constructed that they would. Now, when

this league of nations gets into operation—if that unfortunate hour should ever occur—suppose that they should put that construction on it. Then what would the Senator from North Dakota do about it?

Mr. McCUMBER. I say they could not put any such construction upon it.

Mr. BORAH. There is no appeal; there is no review; there is no court of review. The Senator would not have any say about it at all. They would be the last to speak upon the subject. What would the Senator do about it?

Mr. McCUMBER. Mr. President, if this league of nations were made up of the British Empire and one other country alone, there is a bare possibility that with the British Empire and its constituent parts having six votes and we having only one, that construction might be adopted by the league; but, Mr. President, no one believes for a single moment that France would give it that construction, that Italy would give it that construction, or that any other of the nations of the world desiring equality would give it any such strained construction as that. Whether they would or not, however, there is no question on earth but that we have the votes in the Senate to give it that construction.

Mr. McCORMICK. In the Senate?

Mr. McCUMBER. In the Senate, in the matter of a reservation, and a reservation which will become a part of the treaty. We can place that in the reservations in a way that will cure any such inequality, if you concede that the instrument gives any such right.

Mr. McCORMICK. Mr. President, may I interrupt the Senator for a single question?

Mr. McCUMBER. Certainly.

Mr. McCORMICK. The Senator intends, then, to support a reservation which will require the assent of the British Government to its terms before the ratification is effective?

Mr. McCUMBER. I intend, Mr. President, to vote for a reservation which shall declare unequivocally that under the provisions of article 15 a dispute with any part of an empire represented in the assembly is a dispute with the entire empire, and a dispute with a dominant country of the empire is also a dispute with every part of it. I want to make that so clear that there can be no contention, and I do not care what the words are that you use to make it clear.

Mr. McCORMICK. Mr. President, this is the point I want to have made perfectly clear, or, rather, ask the Senator from North Dakota to make perfectly clear. The agreement of the British Empire, at present accorded six votes, is necessary to bind it to the interpretation which the Senator would put upon the covenant.

Mr. McCUMBER. Whether the British Government ever agrees to it or not, it does not bind us when we declare we will not be bound. So that disposes of that feature of the case.

Mr. WATSON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. WATSON. I understand that the reservation which the Senator will introduce will take care of the six votes of the British Empire in any controversy in which the British Empire is involved?

Mr. McCUMBER. Yes.

Mr. WATSON. Suppose Ecuador and Peru should have a controversy; would the British Empire have six votes to the United States' one vote in the determination of that question?

Mr. McCUMBER. No; I do not say that the British Empire would have six votes.

Mr. WATSON. Not the British Empire, but the English dominions and colonies.

Mr. McCUMBER. I would say that Canada would have a vote separately, cast separately, dictated according to the interests of its own Government, and South Africa would have a vote. They would have a vote on what? I want to get at the dangers which might arise out of that situation. Assuming that they have a vote in a dispute, we will say, between Ecuador and Peru, or in a dispute between Bulgaria and Serbia, what would the vote be on?

Mr. WATSON. I do not know.

Mr. McCUMBER. I will tell you what it would be on.

Mr. WATSON. It would be on whatever was the controversy.

Mr. McCUMBER. No; it will not be in the settlement of that dispute; it will not be trying that dispute. It will be in ascertaining what the facts are in that dispute, and publishing those facts to the countries. I have no great fear of any danger in giving Canada that vote, inasmuch as I give Hedjaz a vote, inasmuch as I give a vote to black Haiti, and Liberia, and half a score of other countries that never turned their hands over in this great World War. In other words, I am not afraid of Canada upon a question of finding what the true facts are in a dispute between these countries. That is the real thing and the only thing that Canada or any other country can pass judgment upon in case the dispute is referred to the assembly.

Now, Mr. President, I want to take up the other statement made by the Senator from Massachusetts [Mr. LODGE]. I do not know but that he corrected it himself, but he made, in the first instance, the declaration, as I understood him, that in the election of new members to the council, such election could be had by a majority vote of the assembly.

Mr. LODGE. No; new members of the league.

Mr. McCUMBER. Well, new members of the league.

Mr. LODGE. Under article 1.

Mr. McCUMBER. Does the Senator mean new members of the league, which new members may have a representation in the council?

Mr. LODGE. I mean only what the treaty says, "new members of the league."

Mr. McCUMBER. We were discussing the only pertinent question to which that could apply, and that was the question whether Canada could get into the council.

Mr. LODGE. Oh, no, Mr. President.

Mr. McCUMBER. If I understood the Senator's purpose, it was in some way to establish the fact that Canada could have a representation in the council through the action of the assembly in voting new members into the council.

Mr. LODGE. Oh, no; only in the case of the four members.

Mr. McCUMBER. Even in the case of the four members, that is not true.

Mr. LODGE. I will not argue that now, but I believe that is the case. This is what I was quoting about the assembly—

> Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly.

Mr. McCUMBER. I do not question that at all. I agree entirely. But that has nothing to do with the matter of electing members to the council or electing new members who may become members of the council. If Senators will turn to the second paragraph of article 4 they will find that it reads——

Mr. WADSWORTH. Mr. President——

Mr. McCUMBER. Let me finish this first, and then I will yield. It reads:

> With the approval of the majority of the assembly the council may name additional members of the league, whose representatives shall always be members of the council.

What does that mean? It means simply this, that by a majority vote of the assembly, concurred in by a unanimous vote of the council, they can nominate new members, additional members, who may become members of the council; that is, of the permanent group in the council. In addition to that it says:

> The council with like approval—

That is, the approval of the assembly—

> may increase the number of members of the league to be selected by the assembly for representation on the council.

In every instance the council must act unanimously, because under another provision of the covenant every vote of the council to become effective must be unanimous, except where otherwise specially provided, and this is not one of the cases where it is "otherwise specially provided." I now yield to the Senator from New York.

Mr. WADSWORTH. There is no question about the accuracy of the last statement of the Senator from North Dakota, but I gathered from the statement which he made just a moment ago that there was some distinction between the admission of new members of the league itself and eligibility to sit in the council. Is it not a fact that when any nation or self-governing colony is once admitted to membership in the league it is eligible to any position in the league?

Mr. McCUMBER. No; I think not. That is one of the features I intend to discuss in answering the Senator from Idaho [Mr. BORAH], and I will discuss it with great care.

Mr. WADSWORTH. Very well. I hope the Senator will describe how it is that under this covenant there may eventually come about a state of affairs in which there shall be two classes of membership in the league.

Mr. McCUMBER. Does the Senator mean in the league or in the council?

Mr. WADSWORTH. I mean in the league. My contention is that once a State becomes a member of the league of nations it also becomes eligible to any position in the assembly or the council.

Mr. McCUMBER. Mr. President, the question we were discussing, and the question that I want to hold to in this discussion, is whether or not there is any way by which you can vote Canada or Australia into the council, in addition to the British Empire, as represented as such, and that I intend to cover.

Mr. BORAH. I think that is the crux of the whole situation.

Mr. McCUMBER. Certainly.

Mr. BORAH. If that proposition is determined in favor of the view that is entertained by the Senator from North Dakota, I concede all the propositions which the Senator from North Dakota undertook to make. But if it should be determined that you can not elect as a member of the council a representative of a dominion or a colony, then I think the Senator will agree that his entire argument must fall with that proposition.

Mr. McCUMBER. Oh, no, Mr. President. Even if that construction were held to be sound, the construction that there was possibility of the power to vote four or five of the British dominions into the council—and you can vote five if you can vote one—it is still akin to an impossibility, because under the vote that would have to be given and under the whole spirit of the instrument, it would never be done. But I am insisting that it can not be done, and I am willing to say that from my construction it can not be done. From the Senator's construction it is almost an impossibility to conceive that the other nations of the world in this league would do what the Senator says is a possibility. I will stand on both propositions.

Mr. BORAH. With all due respect to the Senator, he confuses two propositions. I am debating the proposition now as to whether or not, under the terms of the league, they have a right to be elected to the council. Whether or not they could go out among the members and secure the votes to do it is another proposition entirely. Perhaps Belgium never could secure the votes. Perhaps Serbia never could secure the votes No one will deny that under the league they have the right to the position if they can secure the votes.

Mr. McCUMBER. Mr. President, I am not confused in the slightest degree. I deny that that is a fair construction, and what I am saying is that even if you give it that construction, it never would happen. Even if the Senator gives the provision that construction and that Borden gives it that construction, or that Gen. Smuts gives it that construction, I can not give it that construction, and I am going to give my reasons.

Mr. BORAH. Very well. I knew the Senator was not going to give it that construction.

Mr. McCUMBER. Certainly not, because the Senator has heard me make the statement a great many times; not quite as often as the Senator has stated he would give the opposite construction, but quite often.

Now, Mr. President, I am going to consider some of the statements made by the Senator from Idaho the other day. Two days ago the Senator from Idaho made an address in the Senate in which he sought to combat the arguments and the conclusions which I arrived at, and which I presented on the 6th day of this month, relative to the so-called Johnson amendment. His address was not printed in the RECORD of the proceedings of the day it was given, and I had no opportunity, of course, to answer it immediately after it was delivered.

The Senator not only criticizes my conclusions, but also intimates that my argument is subject to the same claim of unfairness with which I have charged many of the arguments made throughout the country, and sometimes on the floor of the Senate, of those who are opposed to any league of nations whatever.

Mr. President, one of the peculiar characteristics of orators, both real and presumptive, is the tendency to totally disregard facts. Depending more upon their ability to convince by well-constructed and well-delivered sentences, they pay less attention to close analysis than do those who are not so gifted.

If a fact stands in the way of their forensic eloquence, so much the worse for the fact. I admit, Mr. President, that oratory travels more swiftly than truth, but I am certain that truth will travel longer, and upon that I base my hope that in the end the American people will understand the true meaning and the true purpose of the league of nations; not understand it to be perfect, because it is very far from being perfect, in my opinion, but understand that it is a right step in the right direction; and that it is not subject to many and most of the criticisms that are urged against it.

What I have complained of, and what I still condemn, is not that their declarations have been devoid of any semblance of truth but that they persistently avoid presenting the whole truth; that anyone unacquainted with the text of the treaty, listening to their arguments, would draw the conclusion that the council or the assembly had the right to pass final judgment in a dispute between nations; that the council or the assembly would sit as a board of arbitration or as a court to determine and bind nations by its judgments. They never once say to their audiences that by the terms of the treaty, where the nations agreed that they would arbitrate their arbitrable questions, such arbitration is entirely outside of the league, outside of either the council or the assembly. They never mention the fact that by article 13, even in the matter of the agreement to submit arbitrable questions to arbitration, each nation must itself determine whether the subject is suitable for arbitration.

They always forget to tell their audiences that the only thing which each nation agrees to in reference to its disputes is either to submit what it thinks is suitable for arbitration to some arbitrable tribunal to be agreed upon between the nation itself and the disputing nation, and entirely outside of the league of nations, or, if it declines to submit the matter to arbitration at all, that it will allow the council or the assembly to make an inquiry into the facts for the purpose, first, of using its good offices to bring about a settlement by agreement, and if those persuasive efforts fail, then, secondly, to investigate the facts and report such facts to the people of the disputing countries.

They always forget to tell their audiences that the only power that is vested in either the council or the assembly in case of a dispute, and I am considering only disputes, is, first, to endeavor to effect a settlement, and if that fails, second, to make a report containing the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

They fail always to tell their audiences that, even in this matter of ascertaining what the facts are in the case, all disputants are excluded in making such findings. They fail to tell their audiences that in a dispute with the British Empire, the British Empire, with all its votes, is excluded.

Mr. McCORMICK. Mr. President——

Mr. McCUMBER. They assume before their audiences that those dominions are never excluded. They do not even admit that anyone construes the instrument as excluding every part of the British Empire where there is a dispute with the British Empire or any of its parts. They assume for granted that there is only the construction that each part has a vote, contrary to the declarations of the President as to the understanding in Europe, contrary to declarations of others, and contrary, according to my construction, to the instrument itself.

I yield to the Senator now, it being on this point, of course.

Mr. McCORMICK. It is on the point to which the Senator was speaking. When he attributes a want of candor to those who differ with him——

Mr. McCUMBER. No; I will not let the Senator say that. I have never stated that there was a want of candor on the part of everyone who disagrees with me.

Mr. McCORMICK. I did not say everyone.

Mr. McCUMBER. Of anyone, so far as that is concerned. I think I understand the treaty; and in our discussions I think, as a rule, we have tried to discuss it fairly with each other, even though we draw different conclusions.

Mr. McCORMICK. But does not the Senator imply——

Mr. McCUMBER. But there are many general bald statements that are made which would carry a wrong impression and a different inference unless explanatory statements were made in relation to it. I now yield to the Senator.

Mr. McCORMICK. The Senator complains that those of us who hold a view very different from his own do not discuss all the provisions and implications of the treaty relative to disputes. There is no one in the Senate who has made a more thorough study of the treaty than the Senator from North Dakota, and yet I have not heard him or any other Senator speak of the relation between two paragraphs found the first in article 5 and the second in article 15. The first, dealing with matters of procedure, provides that the appointment of committees "may be decided by a majority of the members of the league represented at the meeting." Before I touch upon the importance of the committee report I will ask the Senator to turn to article 15:

> If the council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

Mr. McCUMBER. What is the Senator's question?

Mr. McCORMICK. I submit, first, that the aggregate six votes of the British Empire may very well be of great influence in constituting the original committee; that that committee, preparing the case, rendering the decision, will put some party to the controversy in the wrong before the members of the league. I submit further that, even though there be no unanimous and binding report, such as the Senator suggests, having been put in the wrong the members of the league then reserve to themselves the right to take such action as against the power which has been put in the wrong by the committee as they shall consider necessary for the maintenance of right and justice.

Mr. McCUMBER. That necessitates my asking the Senator a question. How are the members of the league now to carry out that provision under his construction?

Mr. McCORMICK. The Senator's question is not quite clear. Does he mean under article 15?

Mr. McCUMBER. Under article 15, which reads——

Mr. McCORMICK. If the council fails to reach a report, the members of the league——

Mr. McCUMBER. Then—

The members of the league reserve to themselves—

It speaks of the members—

the right to take such action as they shall consider necessary for the maintenance of right and justice.

I ask the Senator how he thinks the members of the league would proceed to effectuate that purpose under his own construction of that part of the paragraph?

Mr. McCORMICK. I conceive that they would consider themselves authorized to take any steps they saw fit, even as though no covenant of the league existed.

Mr. McCUMBER. The Senator is absolutely right. In other words, it is outside of the league entirely, it is outside of the council, it is outside of the assembly, and the only thing that the several nations can do is to go back to their old status and as nations, not through the instrumentality of the league, but as separate and individual nations, through their own diplomatic channels, attempt to make a settlement outside of the league.

Mr. McCORMICK. But in the meantime, Mr. President, the committee appointed to consider the case, constituted by a majority of the members voting, would have made up the case, and the Senator very well knows how all-important is the case presented to the public opinion of the world. This is not a judicial instrument; it is a political instrument.

Mr. McCUMBER. The Senator is not holding to one particular ground very well, because his first statement was based upon what would be done and how I would construe the last portion of this part of article 15 in case there was no settlement, in case they did not arrive at any conclusion. I stated that it meant exactly what it said, that then the whole question would have to hark back to the separate nations themselves. The Senator now asks about the matter of a board or a committee being appointed and of allowing Canada—that is naturally what he means—and Australia a voice in determining who this committee or subcommittee might be. Of course, if it is in the council, there would probably be no subcommittee, because it is a small body. In the assembly there would undoubtedly be appointed a committee, and in the appointment of that committee there would be no question that Canada and Australia would have a vote. In the appointment of a committee to find a fact they would have a vote.

Mr. McCORMICK. Or to render an opinion.

Mr. McCUMBER. To render an opinion is to render an opinion upon the facts. That is finding a fact of what the dispute is.

The Senator assumes that by an action of this kind Canada and Australia pack the jury. Well, Mr. President, I do not think so. I accord a greater degree of national honor than that to every one of these nations. I am not afraid of anyone packing a jury against the United States in the appointment of a little committee which is to determine a fact. I agree with the Senator that they would have a vote; and that matter, which would be a matter of procedure only, would not require a unanimous vote. So there is but little disagreement upon that point. I have not any fear of it.

Now, Mr. President, I come right back to the arguments of which I complain—not arguments made in the Senate; I do not mean that; but arguments made before audiences over the United States. If the orators I have in mind would present the whole case to their audiences, there would be an entirely different conclusion drawn as to any great danger or injustice to the United States by allowing Canada and Australia each to have a vote with the United States in determining what are the true facts in a dispute between Bulgaria and Roumania or any other countries outside of the British Empire. The American public, knowing the respect for law and truth which are inherent in the Australian and Canadian character, would have no fear of a finding of fact by the representatives of either of those countries being contrary to the evidence in the case.

The Senator from Massachusetts [Mr. LODGE] pays a high tribute to Canada, and says that he wants Canada to remain in the league of nations. If he wants Canada and Australia and South Africa to remain members of the league, it is because he has confidence in them; and I, Mr. President, have the same confidence.

It is the failure to present the whole truth concerning the treaty and presenting the half truth in such a way as to mislead of which I complain. My criticism of that course every Senator knows to be well founded. I may be in error in the matter of construing the meaning of any phrase or sentence of the treaty, but I do try my best to ascertain the true meaning of the treaty, its full application and limitations.

Mr. President, I shall proceed to reply to some of the broad declarations of the Senator from Idaho [Mr. BORAH]. As to the right of Canada to claim representation in the council, he says—and I quote his words:

In the first place, upon what theory can it be argued that the Dominions can not have representation in the council? Is there any provision in the league covenant which inhibits it?

I answer, without hesitation, "Yes; there is." Again he says:

Is there any clause or phrase in the covenant itself which says that Canada, if she can secure the votes, is not entitled to representation on the council, just as any other nation may become a member of the council if she can secure the votes?

I reply again, "Yes; both in the words and in the whole spirit of the covenant." Again, he says:

Is there any obstacle to Canada becoming a member of the council that does not exist with reference to every other signer of the treaty?

Again, I reply, "By both the spirit and by the wording of the instrument, there is such an obstacle." Again, he says:

Is there any obstacle to Australia becoming a member of the council, if she can secure the votes, any more than in the case of Belgium?

And, again, I answer, "Yes; there is."

I refer now to the very article creating the council, article 4, calling attention before reading it to the fact that it is not members themselves that constitute the council. In all the arguments that we hear we confuse members with representatives. It is not the members but the representatives of certain members that constitute the council. It would be just as improper to say that the Senate is composed of New York and Pennsylvania and other States, naming them, as it is to say that the council is composed of the United States, the British Empire, and other nations, enumerating them; second, that the council is made up of the two groups of representatives, one permanent and the other temporary.

Now, I want to read article 4. It reads thus:

The council shall consist of representatives of the principal allied and associated powers—

And, of course, those are the United States, the British Empire, France, Italy, and Japan—

together with representatives of four other—

Now, I want to call attention to the word "other"—

four other members of the league.

The representatives of the five mentioned powers are permanent. The last paragraph of article 4 reads—and I again call attention to this:

At the meetings of the council each member represented on the council shall have one vote, and may have not more than one representative.

Remember, it does not say that each representative upon the council shall have one vote, but it says that each member represented on the council shall have one vote through that representative. That means that the British Empire represented in the council shall have one vote through a representative, and does not mean anything else. That is not all.

Now, remember that it is not Great Britain but the British Empire, which includes Great Britain and Scotland and Ireland and every domain of the British Empire, that is represented. It is claimed, because Canada and Australia have each been given a separate vote, an independent status in the assembly, that would entitle them to enjoy such separate entity and have a separate representative in the council, but the granting of a separate vote in the assembly does not change the eternal and everlasting fact that Canada is a part of the British Empire, and it is the British Empire as an entity alone that is represented in the council.

If this treaty should become the law of the land, a binding obligation between nations, and the British Empire should say, "The fact that this Empire is given permanent representation in the permanent group does not prevent, if there are enough votes to place me there, my right also to be a member of the temporary group," would anyone for a single moment concede that she could claim any such right? Would not everyone insist that this is not only against the spirit of the instrument but contrary to the wording which, after enumerating the permanent group, continues—

together with the representatives of four other members of the league.

That means members other than the British Empire. The words "other members of the league" mean that they must be members other than the whole as well as other than any part of the British Empire. If you can include Canada, you can, of course, include all the other British dominions, and you could

put two of the British Empire on the permanent list and still have four more places on the temporary list that could be filled by the British colonies, making it entirely a British council. I think that is an unreasonable construction; that it is against the whole spirit and intendment of the league of nations. Would not everyone insist that that would be not only against the spirit of the instrument but contrary to its wording? The words "other members" do not mean anything else than members other than the British Empire, after enumerating the British Empire.

I insist that not only by the spirit but by the terms of article 4 Great Britain can not divide herself so that she can keep her head in the permanent group and her feet in the temporary group and claim a separate vote for both the head and the feet in the council. If the Senator from Idaho thinks she can do this, if he thinks that it is not inconsistent with both the spirit and the words of article 4, then all I can say is that I most emphatically disagree with him.

But, Mr. President, I have been willing to concede his right and the right of other Senators to claim a construction of that character if they think that it is not violative of the clear terms and of the unquestioned intention of article 4. But I have insisted that even if there was a possibility that any nation on earth would claim such a right in this body, limited to nine members, it would still be equivalent to an impossibility, because it would be impossible to conceive that every one of these representatives on the council would be willing to vote to allow Canada, Australia, or other British dominion membership in the council in addition to the British Empire as a whole, and I do not think that anyone can by any possibility construe, or rather misconstrue, the instrument in such a way as would allow this to be done except by a unanimous vote.

The Senator from Idaho says, referring to my argument:

> But while the Senator was denouncing those who were opposing this provision in the covenant for misrepresentation, he left out of his review an entire paragraph which covered the subject he was dealing with, and which permitted the addition of four or five members to the council.

And then he calls attention to article 4, paragraph 1.

But, Mr. President, this is the very paragraph that I have been considering. It is the very paragraph which I declare neither in spirit nor in terms allows both the Empire as a whole and the constituent parts to be represented in the council. But even here the Senator from Idaho has inadvertently, or with that degree of carelessness which so often becomes the characteristic of the orator, used words in reference to this paragraph that are not at all applicable to that paragraph, when he says:

> Which—

Referring to this paragraph—

> permitted the addition of four or five members to the council.

This paragraph does not admit any added number of members to the council. It simply says that—

> These four members of the league shall be selected by the assembly from time to time in its discretion.

That means the four already included in the temporary class, which four may from time to time be changed by the assembly. It does not mean an addition of 4 or 5, making 13 or 14 States represented.

The paragraph relating to added members is the second paragraph, and not the one quoted; and it is this paragraph which, I insist, can not by any possibility be construed to allow the inclusion of representatives from Canada, because this paragraph reads:

> With the approval of the majority of the assembly the council may name additional members of the league whose representatives shall always be members of the council.

And—

> The council with like approval may increase the members of the league to be selected by the assembly for representation on the council.

That is the provision relating to added members of the league, which members may become members of the council.

I have tried to call attention to the fact that when this paragraph says "the council may name additional members of the league," it necessarily must mean members in addition to those who are now members of the league. Otherwise, you would not have the word "additional." You would have simply declared, "The council may name members of the league whose representatives shall always be members of the council." If it had so read, then there would be some ground for contention that Canada might be selected under this second paragraph.

Labor as earnestly as you are capable of doing, you can not make this word "additional" relate to anything but members of the league; and in the second clause of that second paragraph we have exactly the same thing. It reads:

> The council with like approval may increase the number of members of the league.

Instead of saying "may add to the membership," it says "may increase the number of members of the league." You can not increase the number of members of the league except by adding to the number those which at present are outside the number included. And, Mr. President, inasmuch as all these dominions are at present included as members of the league, you can not add them to the members of the league. You can not increase the number of members of the league by adding those which are already members, and under this second paragraph it is only these added members that can be selected for representation either in the permanent or in the temporary group of representatives constituting the council.

Now, Mr. President, I want to call attention to another declaration of the Senator from Idaho relating to my argument, in which he says:

> I thought I could detect an inconsistency in the able Senator's argument, because with great effect he argued that these separate colonies had made such sacrifices in the war that it was nothing less than a wrong for us to deny them all the rights of other members of the league. But he finally concluded his argument by saying that the sacrifices which they made, the loss of their men, the fight which they made for the civilization of the world, will be satisfied by a position in an assembly without power, and where they can do nothing but debate.

Mr. President, I have never used words purporting anything of the kind, either in the Senate or out of the Senate. I have never for once questioned that Canada and Australia and all of these other British dominions have the same right to vote that any other country would have under the like condition. All I have claimed is, first, that they can not vote—and, if Senators think they can, that we ought to make it clear that they can not vote—where the British Empire or any of its constituent parts are parties to the dispute; and, secondly, that the only thing that is ever to be submitted either to the council or to the assembly in relation to disputes is the determination of what constitutes the disputes, and also, in addition to that, what recommendation should be made. Upon that, and where neither Great Britain nor Canada nor any of the parts of the British Empire were parties to the disputes, of course, Canada or Australia would have the same vote as any other member. I have never claimed that this was merely a debating society. I admit that possibly a great deal of it will be such, but the right to determine the facts is clearly given in the instrument itself.

Mr. President, I do not care about going over this ground any further. I think I have made my position clear as to what can be determined in the council and in the assembly. I am certain that there is no power to arbitrate given to either the council or the assembly. There is no power to pass judgment. There is a power and a right and a duty, when a dispute comes before either of these bodies, first to attempt to settle it. The first duty of either the council or the assembly, when a dispute reaches either of those bodies, is to attempt to secure an agreement between the parties.

If they fail in that persuasive endeavor, then the next and the only step they can take is to investigate and report the facts and make a recommendation upon those facts. If those things do not bring about a settlement, then the provision is that the matter must go back to the individual members outside of the league, and they agree to use their own best endeavors to bring about a settlement; and, in addition to that, my own insistence is that where a member of the British Empire is a party to the dispute it takes in the entire Empire.

I admit that Senators may justly disagree with me upon that; and they claim that Mr. Borden disagrees with me upon that, and that the letter of Mr. Wilson and Clemenceau and Lloyd-George is in disagreement. I have referred to that before. While I do not claim to know everything that preceded this letter, and what the argument was, I simply say that the letter does not say any such thing; that is all. All the letter says is that—

> We concur in his view that upon the true construction of the first and second paragraphs of that article—

Article 4—

> representatives of the self-governing dominions of the British Empire may be selected or named as members of the council.

It does not say that they may be selected in addition to other representatives from any part of the British Empire.

It may be, as has been suggested, that there is something back of this in previous declarations and correspondence which would justify the conclusion that that was what was intended, and that this letter therefore meant that Canada could have a representative independent of Great Britain. All I can say in answer to that is that it is contrary both to the spirit and to the letter of the agreement in reference to representation upon the council, and the single vote of the British Empire, equal only to that of France and the United States and Japan

and Italy, as members whose representatives are entitled to vote in the council.

Mr. BORAH. Mr. President, I do not know that much is to be gained, if anything, by continuing the discussion with the able Senator from North Dakota [Mr. MCCUMBER]. He has repeated the argument which he made some days ago, to which I attempted to make reply, and has not, as I view his presentation, either modified his position or added anything in support of his contention heretofore made. I desire, however, to refer very briefly to what I consider the most important feature of the argument of the able Senator, and that is as to whether the colonies and dominions can become members of the council.

So far as I know, the Senator from North Dakota is the only one now contending that they can not become members of the council. The position was taken at one time by other Members of the Senate, and perhaps by advocates throughout the country, that they could not become members of the council under the terms of the covenant; but after the letter published over the signatures of the President, Mr. Clemenceau, and Lloyd-George, and after the statement by Mr. Borden and Gen. Smuts, and upon further investigation, so far as I know, it is no longer contended that the representatives of the dominions may not become members of the council. They fall back upon the proposition that it would be impracticable for them to secure the votes to do so. But with that, Mr. President, we have very little to do, because all that rests in the future, and depends upon combinations and conditions which we can not very well foresee or forecast. I am only concerned, Mr. President, with the question whether, according to the letter of the covenant itself, they have a right to be members of the council, in case they can secure the votes, as other nations can become members of the council; and, as I said, so far as I know, the Senator from North Dakota is the only one now contending that the covenant prohibits them from becoming members of the council.

Before I take up that particular question, however, may I say a word with reference to the suggestion of the Senator that I seemed to call in question his motives in advocating a league; and what I say applies to all others advocating a league. The question of motives here does not come within the domain of debate. It is a subject which I do not discuss. I question no colleague's motives in the discharge of his duties here. Whatever I may think about it, it is not a subject for debate. Men may do very wise things from very bad motives and very unwise things from very good motives. It is the effect of the act and the contention with which we are concerned here and which is a matter of legitimate debate, and that alone concerns us in the discussions here. So if anything has been said upon my part either with reference to the Senator from North Dakota or any other Senator which would seem to imply a challenge of any man's motives in pursuing this or that course or supporting this or that proposition it is aside from any intention of mine to have it so construed. As to the effect of a vote which may be cast or a contention which is made and as to whether that is in harmony with what I conceive to be the best interests of the country, that is a subject of legitimate debate and may be a subject of very intense conviction.

There is a wide disparity between the opponents of this amendment. The Senator from North Dakota in opening his remarks a few days ago stated that he proposed to show two things: First, that this amendment was unnecessary in order to protect the equality of power or influence of the United States in the league, and, secondly, that if it were adopted it would be a grave injustice to the dominions and colonies of Great Britain by reason of the position which they had occupied in the war and the sacrifices which they had sustained. On the other hand, during the last two days of the debate it has been contended with great earnestness that the amendment does not effectuate any change at all, as it were; that it does not accomplish the shearing of power from the dominions.

Mr. President, I do not think this amendment accomplishes by any means a full equality of power and influence, but it goes further and effectuates more than any other proposition which has been submitted to me or which has come under my observation, and, so far as I am concerned, I desire to vote for an amendment which will go as far as an amendment may, and then I shall vote for the reservation if upon final reflection I conclude that the reservation accomplishes more along a different line or in any way adds to our strength in the league.

But I call the attention now of those who are advocating a reservation to what I conceive to be the distinction, and which with all due respect to those who are advocating it seems to me is not founded upon so solid a basis as the amendment. As I understand the reservation, whatever it accomplishes it accomplishes by eliminating the dominions from a vote in the assembly or wherever they may be found in the league. In other words, we reduce the British Empire, under the reservation, in case we are dissatisfied with any decision, to a unit, and will not hold ourselves down by any action which may be taken wherein more than one vote was cast by the British Empire. That has the effect of eliminating the dominions entirely.

I do not object at all, and never have objected, to the dominions having their vote in the league, provided that it can be equalized by the vote or the influence, the prestige or power, by reason of the vote, of the United States. I think that the dominions, owing to the peculiar construction of the British Empire, may well contend for that which they have contended for and are entitled to much consideration in regard to that. But, Mr. President, if the amendment should be defeated and the plan to add additional votes and power to the United States should fail, the next best alternative undoubtedly, so far as our interests are concerned, is to shear away the power of the British Empire and deprive her of the votes of her colonies in these emergencies.

Mr. President, this entire question can be simplified and better understood if we will realize the dual capacity which the dominions occupy in this scheme of a world league. In the first place, as dominions of the British Empire, they are bound to the British Empire, and are under certain obligations and sustain a certain relationship to the British Empire, which deprives them of their sovereignty, of their nationhood. They are at most qualified nations or qualified sovereigns. They are not complete, independent entities, so far as the British Empire is concerned. But for the purpose of organizing the league of nations they take an entirely different position. While they are dominions in the British Empire they are separate and independent nations in the league of nations; and they occupy the positions therefore of complete, dual entities, as it were, one being circumstanced and conditioned by reason of the relations to the British Empire and the other a wholly different proposition, by reason of the attitude which they assume in the league.

I call attention to Mr. Borden's statement, which makes that very plain. I referred to a portion of this the other day, but not to this particular paragraph. He said:

> Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britannic Commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

Whatever may be her attitude toward the British league, they would not permit it to be left in doubt as to what their position should be in the league of nations.

Can the dominions become members of the council? There is nothing in the league of nations which inhibits their being members of the council. They can be elected if they can find the votes, just the same as any other power. As the Senator from New York [Mr. WADSWORTH] stated a few minutes ago, they have signed the league, they have signed the treaty, and they stand in just the same position, having all the rights and privileges under the league as any other nation.

Suppose Canada was a candidate for membership in the council. What clause would you draw upon her? What provision of the league would you present to her which would say to Canada, "You can not be a candidate; you are ineligible"?

What phrase or paragraph can you point to that would fix her ineligibility? You might say to her, "I will not vote for you, notwithstanding your right to be elected." But you might say that to Belgium or Serbia or any other country. But what clause would the Senator from North Dakota point to in the league and say, "You are not eligible at all to membership here, and therefore can not be a candidate; I could not vote for you if I wanted to"? There is no such clause. Canada could well say, "I stand in precisely the same position as the United States or Serbia or Belgium or Greece or Brazil or any other country. Why should I be excluded from the council?"

Then you would have to reply, "For no other reason in the world than that we think it would be unwise for you to be there, not because the covenant prohibits it."

Mind you, before we say that, before we shall have declared to Canada that we think she ought not to be a member, we have signed the league which gives her the right to be a member.

So, Mr. President, I do not think it can be contended that, so far as the terms of the covenant are concerned, it can be said that Australia or New Zealand or Canada are ineligible as candidates.

What does Gen. Smuts say about that? He makes it very plain, and Gen. Smuts is one of the great outstanding figures of this war, not only a man of transcendent ability but he has disclosed more independence of thought and more courage, I

will not say that any man who was at Versailles—but it was so pronounced that it was commented on throughout the world. Everyone will remember the speech which Gen. Smuts made in England before he left for South Africa, in which he told the English people that they had to settle the Irish question, that they had to settle their internal matters, and that the quicker they did so the sooner the British Empire would be at ease and enjoy the tranquillity which she was entitled to enjoy.

So upon every occasion and under all circumstances he has never hesitated to say what was in his mind with the utmost freedom. Everyone will remember that when he left Versailles the declaration which he made to the world required some courage to make under the circumstances, when he said—I am not quoting his exact language, but the substance—that the aspirations of the human family, the things which had nerved the people of the world to pay out their money and shed their blood without stint were not written in this treaty. So he has spoken upon all occasions and under all circumstances as a man who was giving utterance to the things which he believed to be true. He said:

Regarding the league of nations, it was incorrect to say that in the league the British Empire was a unit. The empire was a group, but South Africa had exactly the same rights and voice as England. Though England was a permanent member of the central council, South Africa could be elected to that council.

That is the understanding of Gen. Smuts, who was there. Aye, indeed, that is the understanding of the man who framed the first league of nations, upon which this league was built. That is the position which is occupied by Borden. I am not going to take time to reread it. I read it into my remarks the other day. But Mr. Borden contended from the very beginning that the dominions should occupy a place in the league which will enable them to enjoy all the rights of the league, notwithstanding the fact that Great Britain might, as a unit, be holding a position in the league, in the council, or elsewhere.

Now, having the views of those two men, who are in a position to know, let us look again at this letter which the Senator from North Dakota [Mr. McCUMBER] refines away:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council.

Not representatives from the dominions for the British Empire, but representatives of the dominions, may be selected as members upon the council. The Senator from North Dakota would have us believe that Borden and Smuts set about to secure a construction which would enable Great Britain, if she chose to do so, or the British Empire, to select the permanent membership from some of the dominions, but representing all the time the British Empire. Can anyone think that they deemed it necessary to have a construction which would permit Great Britain to select her representatives from any part of her dominions from which she chose to select them? That was not the contention. The contention was that, notwithstanding the British Empire had its member upon the council, the dominions, in addition to that membership, should have a position upon the council, and that was the construction which was placed upon it by Borden and Smuts, and it is the construction of this letter:

We have no hesitation in expressing our entire concurrence in this view.

That is the view entertained by Borden, which is made clear by his statement published a short time ago and now in the RECORD, to wit, that the dominions have a separate entity.

If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow and technical construction.

All parties, therefore, who are in position to know what the intent of the framers was have construed this in accordance with the proposition that the dominions may have members of the council, and when we take into consideration that they are full members of the league, that they stand there as separate signers of the league, that there is no inhibition in the league against their being members of the council, that there is no curtailment of their privileges in the league, it seems to me that there can no longer be any contention that they may be members of the council and have a right to be the same as anyone else.

Mr. President, this question of whether or not the dominions could become members of the council is very important. It is one of those matters which might be easily settled if there were any doubt about it left in the minds of anyone. The Senator from North Dakota [Mr. McCUMBER] is in touch with the League to Enforce Peace, and the League to Enforce Peace are in touch with the British authorities as to their construction of this league, and they are in confidential communication with them from day to day, and I have some telegrams in my possession which show that. If it were thought advisable, it seems to me that the view of the leading authorities in England upon this question might be had. I venture to say that you will not find the premier of England, or any of those who represent the Government, admitting for a moment that the dominions may not be members of the council. If the information could not be secured in that way the construction or contention of the British authorities could be secured through diplomatic channels. It is a thing which need not be left in doubt. If the authorities of Great Britain are willing to concede the contention of such able gentlemen as the Senator from North Dakota, that can be known; but in view of the fact that Mr. Borden says the premier led the fight for the contention which he made, and that he has placed his construction upon that contention, and that Gen. Smuts, who assisted him in making the fight, has placed his construction upon it, until we hear further from those authorities we must conclude that that is the contention which they are going to make within the league. If they make that contention and secure that construction, what possible remedy have we? There is no appeal from the decisions which these powers shall make. There is no one to construe it after they have construed it. The league construes its own powers and augments and increases or diminishes its powers as it may see fit, and no one can challenge it and no one can correct it.

The only remedy that can possibly be had is a remedy that is had before we enter the league. Therefore these amendments and these reservations which are placing constructions upon the covenant, which are to go in and constitute and form a part of the covenant, and therefore be binding.

But, however able may be the Senator from North Dakota, he would have to admit that if there is nothing found in the way of a construction except his speech, if his speech is not reduced to an amendment or a reservation, little attention will be given to it when the league convenes in Geneva. Here, with 32 different nations ratifying this league, all of them construing it in different ways, there is no safety in construction except to reduce it to a clause and put it in the covenant itself where it will have effect.

Mr. TOWNSEND. Mr. President, I will not delay even for 10 minutes the action of the Senate on the pending amendment. I have been ready and extremely anxious to vote on this and every other provision of the treaty and covenant for a long time. I am not complaining because other Senators have spoken long and frequently on this most important international agreement. I have listened with most profound interest to much of what has been said, and I have no patience with those people who have practically advised the Senate to sign in blank what the President has presented to the Senate, which is one of the two coordinate branches of the treaty-making powers of the Government. I am confident that study and discussion has enlightened public sentiment, and that through proper reservations our country is going to be saved from some of the imminently possible dangers which indifference, carelessness, and inability allowed to be inserted in the treaty and attached covenant. Some day the people of the United States will realize the truth of this statement. Every honest, intelligent man understands that the preceding document is almost hopelessly, if not wickedly, involved in doubt. It has been almost impossible to determine its meaning and its possible results. I have had grave doubts which I have conscientiously endeavored to solve; but when I have not succeeded in making the provisions clear to my mind, I have resolved the doubt in favor of our country.

For many years I have felt it was our duty to take a prominent part in securing cooperation with other nations of the world to prevent unjust war and to preserve a righteous peace. I had fondly hoped that at the end of this awful war the great opportunity for such cooperation would be improved. That opportunity has been lost to a large degree by this abortive agreement which is before us. The President has been overreached by the Allies, who knew and obtained what they wanted. The interests and welfare of the United States seem to have been overlooked or disregarded. It is now more than ordinarily the duty of the Senate to secure as far as possible such rights and welfare.

I do not believe that we should reject the treaty or render inoperative anything that is good and desirable in the covenant. The latter does at least furnish some opportunity for a workable understanding looking to the preservation of peace, and it does contain some things which should be retained.

I have quite consistently voted against amendments to the treaty for reasons which I have heretofore given and which I will not now repeat.

The pending amendment is, in my judgment, different in principle and effect from the others. It is largely sentimental; but, sir, it is the sentiment of patriotism and national respect, and I will not allow any occasion to pass without expressing my disapproval of any suggestion, even, certainly not of any international recognition, that the United States, which so unselfishly and so effectively sacrificed its boys and treasure in the war, is of less importance than any other nation in the world. The league covenant does contemptibly recognize such inferiority.

The pending amendment does not entirely place our country in the position I would like to have it occupy. It does, however, resent the insult which the covenant implies and it announces the doctrine which the world accepts, viz, that the United States is second to no nation on earth. Other nations have the same rights to equality as have the British Empire and the United States. If they are content with the position as to voting power in which the covenant places them, I probably would have little cause to complain. It is my solemn duty here and now to defend my country against slight and danger, and this I propose to perform by voting on this and every other occasion for any pertinent measure which recognizes the equality of this Republic among the nations.

Who can object to this? Will the little democracies, who recognize the United States as their hope and salvation and for whom the friends of a league are so solicitous? Evidently not. Will the British Empire? No. But if she does, will she not thereby acknowledge that she desires to retain an advantage to which she is not entitled and which may be injurious if not disastrous to our country? But as for myself, sir, while I am somewhat indifferent to what other nations may think about this matter, I am deeply interested in what the people of the United States may think, and I must have the approval of my own conscience.

I regret more than I can tell that so much harsh, intemperate criticism has been indulged against some of our associates in this war. They rendered invaluable service in saving civilization. They have, as it was their national duty to do, looked after the welfare of their own countries. I feel that our welfare and, in this particular case our honor, have been neglected. I shall do what I can to correct that wrong and at the same time to preserve whatever is good in the covenant as the beginning, at least, of our effort to establish peace and righteousness in the world.

Mr. THOMAS obtained the floor.

Mr. HITCHCOCK. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I ask unanimous consent that we may vote upon the pending amendments before adjournment or recess to-day.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Smith, Ga.
Borah	Hale	McNary	Smith, Md.
Brandegee	Harding	Moses	Smith, S. C.
Capper	Harris	Nelson	Smoot
Chamberlain	Harrison	New	Spencer
Colt	Henderson	Newberry	Sterling
Culberson	Hitchcock	Norris	Sutherland
Cummins	Johnson, Calif.	Nugent	Thomas
Curtis	Jones, Wash.	Overman	Townsend
Dial	Kellogg	Owen	Trammell
Dillingham	Kendrick	Page	Underwood
Edge	Keyes	Penrose	Wadsworth
Fernald	King	Poindexter	Walsh, Mass.
Fletcher	Kirby	Pomerene	Walsh, Mont.
France	Knox	Robinson	Watson
Gay	La Follette	Sheppard	
Gerry	Lenroot	Shields	
Gore	Lodge	Smith, Ariz.	

Mr. GERRY. I desire to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from Delaware [Mr. WOLCOTT] are detained by illness in their families. The Senator from Nevada [Mr. PITTMAN], the Senator from California [Mr. PHELAN], the Senator from Montana [Mr. MYERS], and the Senator from Kentucky [Mr. STANLEY] are absent on official business.

Mr. CURTIS. I wish to announce that the senior Senator from Wyoming [Mr. WARREN] is absent on official business.

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. Mr. President, I renew my request for unanimous consent that the Senate proceed to vote upon the two pending amendments before recess or adjournment to-day.

Mr. JOHNSON of California. I object. The reason why I object is because the Senator from Missouri [Mr. REED] has telephoned that he desires to be heard upon this amendment, that he is sick and unable to be here, and I insist that he shall have an opportunity.

Mr. HITCHCOCK. Mr. President, I then ask unanimous consent that not later than the adjournment or recess on the calendar day of Monday next the Senate proceed to vote upon the pending amendments.

The PRESIDENT pro tempore. Is there objection?

Mr. BORAH. Will the Senator state the request again?

Mr. HITCHCOCK. In view of the objection made by the Senator from California, I amend my request and ask unanimous consent that the Senate agree to vote upon the so-called Johnson amendments, which have been pending for about a week, not later than the close of the session on Monday next.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSON of California. Mr. President, being uncertain as to the number of Senators who may desire to be heard upon the question, I should be very glad to enter into that unanimous-consent agreement, so far as personally I could, if it were fixed for Tuesday. I have been told that the Senator from Wisconsin [Mr. LAFOLLETTE] desires to speak upon the subject. I am not entirely clear as to his wishes. I know that the Senator from Missouri [Mr. REED] desires to speak at length. The Senator from Maine [Mr. FERNALD] has told me that he desires to speak. I think they ought to be accorded the opportunity. Will not Tuesday be satisfactory?

Mr. HITCHCOCK. I have made the unanimous-consent request, and I ask to have it put. If some one objects——

Mr. JOHNSON of California. I object, then, sir.

The PRESIDENT pro tempore. Objection is made.

Mr. HITCHCOCK. Then, Mr. President, I ask that not later than the close of the calendar day of Tuesday the Senate will proceed to vote upon the pending amendments.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I suppose the Senator desires to call attention to the fact that the Senate is to receive the King of the Belgians on Tuesday.

Mr. LODGE. No; the Senator is no doubt a mind reader, but that was not my purpose.

Mr. HITCHCOCK. I had that in mind, and I supposed possibly the Senator was about to mention it. I yield to the Senator.

Mr. LODGE. My purpose was to suggest that when we agree on a time to vote, which I hope we shall do, we fix a definite hour, 5 o'clock.

Mr. HITCHCOCK. Does the Senator mean by that that we might vote on any other day not later than 5 o'clock?

Mr. LODGE. That we vote on this amendment—that is all that is asked for—not later than 5 o'clock on Tuesday.

Mr. HITCHCOCK. I will make that request, then, that the Senate give unanimous consent that a vote shall be taken upon the pending amendments, the so-called Johnson amendments——

Mr. WATSON. And any amendments thereto. There are some amendments, I understand.

Mr. HITCHCOCK. Yes; I would include that—on Tuesday, not later than 5 o'clock.

Mr. JOHNSON of California. Mr. President, that being the suggestion I made a moment ago, I am very glad to accede to it so far as I am personally concerned.

Mr. LODGE. I hope it will be agreed to.

The PRESIDENT pro tempore. The Secretary will state the agreement as proposed by the Senator from Nebraska.

The SECRETARY. The Senator from Nebraska asks unanimous consent that the Senate will vote upon what are known as the Johnson amendments, and any amendments thereto, to the treaty of peace with Germany, page 19, after line 17, at not later than 5 o'clock p. m. on the calendar day of Tuesday, October 28, 1919.

The PRESIDENT pro tempore. Is there objection to the agreement as proposed?

Mr. HITCHCOCK. Mr. President, I understand that that includes both the amendments that are connected with each other. One is known as the Johnson amendment, and the other as the Moses amendment.

The PRESIDENT pro tempore. The Secretary will again state the agreement that is proposed, so that there may be no misunderstanding in regard to it.

Mr. SHIELDS. Mr. President, I do not know that it is necessary in this same connection, but I propose to offer an amendment, similar in nature to those that have been discussed, to section 5; and I will offer it now if the Senator from Nebraska prefers, so that he may understand what it is, and, if he desires, include it in his request for a unanimous-consent agreement.

Mr. HITCHCOCK. I think that would hardly be in order. The Senate has already agreed by unanimous consent to vote first of all upon the committee amendments, of which these two constitute a part; and, as I understand, the Senator's amendment is a personal amendment which is entirely separate from these, although it may have a similar purpose.

Mr. SHIELDS. It is practically the same.

Mr. LODGE. And it will be in order after voting on the committee amendments.

Mr. SHIELDS. It relates to the same article.

Mr. HITCHCOCK. It will be in order, then, after the committee amendments are disposed of.

Mr. BRANDEGEE. The committee amendments can be amended, I understand.

The PRESIDENT pro tempore. The Secretary will again state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Nebraska asks unanimous consent that on the calendar day of Tuesday, October 28, 1919, at not later than 5 o'clock p. m., the Senate will vote upon the amendment known as the Johnson amendment and the amendment known as the Moses amendment to the treaty of peace with Germany, and on any amendment that may be offered to either.

Mr. KNOX. Mr. President, from statements that have already been made as to the Senators who propose to speak upon this amendment, I am quite sure that it is proposed to fix a date entirely too early. I desire to make a speech myself upon this amendment, and I object to the proposed agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. Mr. President——

Mr. HITCHCOCK. Then I renew the request, but asking to have the vote taken Wednesday, at not later than 5 o'clock. I ask to have that submitted.

Mr. LODGE. I was about to do that.

The PRESIDENT pro tempore. The Secretary will state the request as modified.

The Secretary read as follows:

That on the calendar day of Wednesday, October 29, 1919, at not later than 5 o'clock p. m., the Senate will proceed to vote, without further debate, upon what are known as the Johnson and Moses amendments proposed to the treaty of peace with Germany, and upon any amendments that may be offered to either; and will dispose of the said amendments before adjournment on the said calendar day.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. Mr. President, I desire to have an opportunity to speak upon the pending amendments. It has been my experience and observation that as soon as the bar of unanimous consent is put up on further debate it immediately creates a desire to be heard upon the part of quite a large number of Senators who had theretofore not intended to participate in the debate upon the question. I am apprehensive that in violation of our standing rule a list will be made at the desk for recognition, in conformity with a practice that has come to be quite uniform on occasions such as this, where the debate is limited; and unless one is fortunate enough to get his name on the list early, he is likely to be excluded from being heard at all. While I suppose that the debate upon these pending amendments might easily be concluded before the time asked to be fixed, I wish to speak especially, Mr. President, to the labor provisions of the treaty while this amendment is pending, because those provisions are profoundly affected by the discrepancy in the voting strength and the voting power of this country and Great Britain, and therefore all that I have to say is very pertinent to the pending amendment, though I also expect to broadly discuss the effect of these labor provisions.

Under the circumstances, I hope that the Senator from Nebraska will not press for unanimous consent to conclude the debate upon the pending amendments. I was in hopes that I might speak this afternoon, but I find now that it is impossible for me to get from the typewriter the notes which I have made for this discussion, and I am constrained, Mr. President, to object.

Mr. HITCHCOCK. Before the Senator objects, I would like to have an opportunity to amend my request so that I might meet his objection. I would add to the request made for voting on Wednesday a clause that beginning on the calendar day of Tuesday no Senator speak more than one hour. That will give everybody a chance, and the Senator from Wisconsin can be recognized.

Mr. LA FOLLETTE. That would not quite enable me to complete my address. I have exactly 59 pages of manuscript upon this subject, and it will take me two hours and a half, I think, to finish the address.

Mr. HITCHCOCK. Then I will amend it so as to except the Senator from Wisconsin, who shall be allowed three hours. We are all very anxious to hear the Senator, I am sure.

Mr. LA FOLLETTE. Mr. President, I will not consent to any arrangement that designates me by name in its terms. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. THOMAS and Mr. LODGE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado is entitled to the floor. Does he yield to the Senator from Massachusetts?

Mr. THOMAS. I yield to the Senator.

Mr. LODGE. I regret that the Senate did not agree to fix a time. I am inclined to think that if we put off voting on these amendments as long as Wednesday it will be put off much longer than necessary. As we have not been able to reach a unanimous-consent agreement, I only desire now to say that I shall move a recess this afternoon until Monday, and I shall endeavor to hold the Senate in session as long as Senators will stay here with me.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. THOMAS. I yield.

Mr. SHIELDS. I desire to offer an amendment to article 4 of the treaty. I ask that it be printed in the RECORD and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SEVERAL SENATORS. Let it be read.

Mr. SHIELDS. It is short, and I will ask that the Secretary may read it.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

Amendment proposed to article 4 of the treaty with Germany, to follow the same and constitute a part of that article.

Provided further, That when imperial and federal governments and their self-governing dominions, colonies, or states are members of the league, as originally organized or hereafter admitted, the empire or federal government and the dominions, colonies, or states shall, collectively, have only one membership, one delegate, and one vote in the council, and only three delegates and one vote in the assembly.

Mr. SHIELDS. I ask that the amendment be printed with the other reservations and amendments for the use of Senators.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, no Member of the Senate regrets our inability to reach an agreement for a final vote upon these amendments more earnestly than myself. Had we been able to do so, I would cheerfully forego any discussion of these amendments. But in view of the objections just interposed, I shall occupy your attention for a brief period regarding them.

Mr. President, I have not been able to attribute to the representation provided in the structure of Part I of the treaty the importance which it seems to occupy in the minds of many Senators. I have discovered in my examination of the covenant several serious and one or two apparently insoluble obstacles to its acceptance. It may be that I have attributed too much importance to other parts of the treaty, and thus made the mistake that seems to me to have been made by others concerning the subject matter of these amendments.

I am not aware that when this particular feature of the covenant of the league was under consideration at Paris objection from any source was expressed against the arrangement. Some time last February we received the original draft of the proposed covenant, at which time many criticisms were made of it, but I do not recall this objection was one of them. I heard a number of very able criticisms of that draft on the floor of this body; I read many strong magazine and newspaper articles in adverse comment upon it; I received a great many personal communications concerning it. I do not remember that in any of these discussions, articles, or communications was objection made, much less elaborated, against the preponderant power of the British Empire in the counsels of the league. Of course, Mr. President, that circumstance, if properly stated, is no argument for or against the proposition, but it indicates, if true, that its importance has since that time been largely exaggerated.

I do not for a moment question the soundness of the proposition that in all matters of dispute or of difference which may arise hereafter, and coming within the jurisdiction of the league, which concern the United States directly, no member of the assembly should have a preponderant vote or influence as compared with any other. I do not believe that anyone will successfully challenge the soundness of that proposition, which seems self-evident. Moreover, that is the only rule which squares with fairness and justice. So far, then, as that feature of the amendment is concerned, I am in hearty sympathy with it. I think there is and can be no doubt that every delegate to the assembly representing a member of the league has the same

power and authority, the same eligibility to a seat in the council, and the same attributes which are common to every other member.

It makes no difference whether this delegate represents a colony, a dependency, or an independent sovereign power. The equilibrium is destroyed the moment any difference in authority or eligibility is recognized. In my judgment, delegates to the assembly representing India or either of the four self-governing dominions of the British Empire, or all of them together, if you please, are entirely qualified for membership in the council.

While I have the highest regard for the opinion of the distinguished Senator from North Dakota [Mr. MCCUMBER], I am unable to accept his reasoning upon this subject. But, Mr. President, the question is largely an academic one, for the reason that unanimity of action on the part of the members composing the council is absolutely essential to their election to the council, as it is to the election of a representative of any other nation to that body. In other words, from a practical view of the situation, there is no possibility of the selection of such a delegate to the council, for the very good reason that Italy, France, and, in all probability, Japan, would be quite as much concerned in preventing an undue preponderance in the council in favor of any nation as would be the United States. But, if the fact were otherwise, the interposition of a single objecting vote precludes the possibility of the addition of such a member to the council or the selection of such a member in place of a nation now represented upon it. So we are spending much time in discussing a situation which, from a practical point of view, seems to be wholly negligible.

The Senator from Idaho [Mr. BORAH] a day or two ago occupied some time in establishing, from the Borden correspondence and from other sources of information, the complete independence of the representatives of all of the self-governing dominions as members of the council. I think his argument, while perfect, proved too much, for, assuming such a complete independence, it must follow that they can only be subservient to the British Empire through motives of friendship, or because of an interest which is quite as likely to manifest itself in any other representative. They are either independent of Great Britain or they are not. If they are independent, then their adhesion to the cause of the Empire in times of crisis is determined, not upon the element of dependence, but upon identity of interest or of understanding or of amity or of any of the other influences which might be equally controlling with any other member of the league.

No man contends, Mr. President, no man can contend successfully, that there is or should be any difference whatever in the assembly between the status of representatives of self-governing dominions and that of representatives of any other country. If I am right, then the question of influence or of preponderant power operating as a menace to the people of the United States, in my judgment, disappears.

I have stated these conclusions, Mr. President, somewhat clumsily, perhaps inaccurately, but they are to me convincing of the comparative unimportance of the objection except in so far as the contingency might materialize against the United States in some difficulty or dispute directly between ourselves and Great Britain or some sovereignty with which that Empire had very close treaty relations.

I listened with much pleasure and instruction to the address of the junior Senator from Wisconsin [Mr. LENROOT] upon these amendments a few days ago. He contended that, conceding to the Johnson amendment all the need for it that its author claimed, it did not accomplish the purpose which he had in mind, did not invest the United States with five additional votes, and did not create that equilibrium of conditions which, of course, is the object of the amendment. I have never listened to a clearer, more logical, and convincing presentation of a proposition in my life. He elaborated the subject, and so much better than I can, that I perhaps should apologize for discussing the subject at all. He demonstrated, with the precision of a problem in Euclid, the impossibility of meeting the real objection, which we must consider, by the adoption of anything less than a reservation directly aimed at the difficulty, such, for example, as presented by the senior Senator from North Dakota [Mr. MCCUMBER] or that which was presented by the Senator himself. Of course, it would be grossly improper for any dependency of the British Empire, for any self-governing dominion of that country, to identify itself as an additional unit in the league of nations with respect to any question concerning either the Empire or any of its constituencies. It would be as inappropriate as the service upon a jury of a kinsman of one of the litigants. It is the part of statesmanship for this country to guard against such a possibility, since human nature is apt to be the same in transactions involving the fate of nations as it is in those which merely involve the interests of individuals. The urge of race is sometimes irresistible, and the urge of necessity, when in community, is equally strong. We can not afford, therefore, to permit this treaty to be ratified without expressly safeguarding ourselves—and in doing that we are doing justice to our associates as well as to ourselves—against a possibility of a preponderance of interest passing judgment upon any subject or problem which may affect us adversely to Great Britain or any of her dependencies. Since that situation can be met, and is, in my judgment, fully met by the so-called McCumber amendment, and does not seem to be met by the amendments, it is the part of wisdom and sound statesmanship to include in our ratification a reservation clause such as I have described.

I think, too, Mr. President, that we should consider how other nations may view our guardianship and protectorate of certain members of the league located in the Western Hemisphere, for we can not suspect Great Britain of designedly packing the assembly, so to speak, with a view of safeguarding her own interests. We can not criticize her control of Persia and of Hedjaz without laying ourselves open to similar imputations and equally just criticisms when our relations with certain countries to the south of us are considered.

Mr. FALL. Will the Senator yield for a moment?

Mr. THOMAS. Certainly.

Mr. FALL. I have heard the suggestion made upon several different occasions that the United States would be as much warranted in relying upon the vote of certain nations to the south as Great Britain would upon the votes of her colonies. Does the Senator himself indulge in that belief for a moment?

Mr. THOMAS. No, Mr. President; but I think it is quite as pertinent and quite as just for Great Britain and, perhaps, other nations to lay that imputation at our door as it is for us to lay them at the doors of Great Britain and other countries.

Mr. FALL. I was curious to know whether any Senator here really believes it.

Mr. THOMAS. Frankly, I do not know.

Mr. FALL. Then, I might suggest this to the Senator: Great Britain has an interest in her colonies and there is, to put it in the weakest form, an alliance between the self-governing dominions and Great Britain; their interests are, to a great extent, identical. That is a fact. It is an equally well-established fact, as to which if any doubt is entertained by any Senator the proof is available, that the United States of America has within four years made a proposition to the nations to the south of us that they should enter into an alliance with this country, the basis of the alliance being the basis of this treaty—what the President of the United States has said is the heart of the treaty—and it is also an established fact that each of those nations rejected the proposition, while the British colonies or the British self-governing dominions, which are a portion of the British Empire, have adhered to the British alliance.

Mr. THOMAS. The Senator from New Mexico is now speaking of alliances. I had no thought of an alliance between the United States and countries to the south of us, but of alleged control over them.

Mr. FALL. But the Senator was saying that it might be urged that the United States could be criticized because of the fact that certain nations to the south would be controlled by the United States in their votes, as the British colonies might be controlled by Great Britain. The two cases are not at all parallel; and I am wondering if there is a Senator here who believes that the United States could count upon the vote of those countries.

Mr. THOMAS. Mr. President, I think there is a parallel. Let us take Panama, for example. That nation is the bastard offspring of the Roosevelt administration. It was the outgrowth of the resentment of that administration against the Senate of the Colombian Republic, because it assumed to exercise the same power to change a treaty that we are now asserting. Without the support of this Government Panama never would have come into existence in all probability, and without that support she certainly would have received no recognition from the great powers across the sea; at least, it would not have received recognition as promptly as it was given. It is entirely under the influence of the United States.

Now, if the Senator from New Mexico asks me whether I believe that any attempt would be made by the United States to influence the vote of Panama in the league assembly as to any matter affecting our interests, I answer promptly, "No." I have too high an opinion of the honor and the dignity of my country to assume that for a moment; and I am equally charitable in believing that Great Britain would, under similar circumstances, disdain to influence the representatives of Persia or Hejaz. It may be that my altruism is altogether too idealis-

tic, but there is certainly just as much basis for one assumption as for the other.

Mr. FALL. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. Yes.

Mr. FALL. What basis is there for the assumption that the United States would have any reason to influence those votes? The United States has nothing to protect; the United States acquires no territory; the United States acquires affirmatively nothing, while under this treaty Great Britain acquires practically the earth. Great Britain would have a reason possibly for influencing votes, while the United States would have none whatsoever in so far as material or selfish interests are concerned.

Mr. THOMAS. Mr. President, I can not look very far into the future; but inasmuch as this entire discussion is based upon the assumption that the United States may become involved in disputes or differences against which she must safeguard herself now, I must assume that some such disputes or differences will ultimately arise.

The United States gave Cuba its independence and has virtually exercised a protectorate over that island ever since. At one time it became our duty to retake possession of Cuba and administer her affairs until order was again restored. The people of Cuba naturally feel under the greatest obligations to the United States, not only because we aided in securing their freedom but also because we give them special consideration in our tariff laws; they enjoy a degree of reciprocity that is very valuable to them and which is also peculiar to them.

The Government of Nicaragua stands, and has rested for years, on the bayonets of the United States marines. To remove them would virtually invite the collapse of that Government. That is known and realized better in Nicaragua than it is here; for down there even a suggestion that we withdraw our marines would cause political and social panic throughout the Republic, if it is a Republic. Consequently, in some great controversy that may in the future intrude itself upon our affairs, I can see no reason why our adversary should not regard our relations with such a country with the same suspicion that we regard, or assume to regard, those of Great Britain with other countries.

What is true of Nicaragua is true of Haiti. That Government since the year 1913 has been virtually under our control, and has prospered accordingly. We have, then, in a political sense, and probably in an economic sense, four dependencies in this hemisphere which are as much subjects to us and to our influence as Canada, Australia, New Zealand, and the South African Union are to the influence of the British Empire.

Mr. FALL. Mr. President, will the Senator yield?

Mr. THOMAS. With pleasure.

Mr. FALL. The Senator indicates that so long as we have marines in Nicaragua we might be able to count upon our influence availing something with the vote of Nicaragua; that because——

Mr. THOMAS. What I meant to say—and what I think I did say—was that it gave to other powers the same reason for suspecting us that the attitude of other countries to Great Britain gives us for suspecting Great Britain.

Mr. FALL. I did not understand; I thought the Senator was suggesting it as his judgment that such would be the case.

Mr. THOMAS. No.

Mr. FALL. It is my mistake. I have no hesitancy in saying that if the Senator thinks by virtue of the fact that we have marines in Haiti we might possibly elect some one from Haiti to sit in the assembly and in that way control the vote of her representatives, I agree with him; if he makes the same statement in reference to Nicaragua, I agree with him; but if the Senator thinks that if it were not for the present peculiar relations between the countries we could count upon the vote of either of those countries I can not agree with him; and I hope that the conditions that exist to-day may not continue for a very great many years.

Mr. THOMAS. Nobody, Mr. President, more cordially joins in the expression of that sentiment than myself. Let me reiterate, in view of the interruption, that I repudiate the view that the Government of the United States would avail or attempt to avail itself of these adventitious conditions. I am trying to press home the fact that if Great Britain lives in a glass house—and perhaps she does—we may occupy the same sort of a mansion in her estimation and that of a great many other members of the league.

Mr. FALL. Mr. President——

Mr. THOMAS. I yield.

Mr. FALL. The Senator understands, I assume, that those who are advocating the Johnson amendment are not attempting to restrict Great Britain as to any influence which she may have either in Persia, in Egypt, or in Mecca and Medina, but that the only purpose is to place the United States upon an equality with what is commonly known as the British Empire, which has votes, as we understand, for her self-governing dominions as well as for herself.

Mr. THOMAS. I know that is the attitude of the Senator and others who favor the amendment, and if I assume their premises I must accept their conclusions.

Mr. President, I am concerned at present merely in giving my view of the situation as explanatory of the vote which I shall cast, if we ever reach a vote. I shall vote against this amendment and for one of the reservations to which I have made reference, my purpose being to accomplish by that means the same end which Senators who are supporting the amendment are seeking to accomplish; in other words, our purpose seems to be mutual, but our methods are variant.

I come now, Mr. President, to the consideration very briefly of the relation of the colonies or self-governing dominions to Great Britain—and let me say by way of digression that I am in full sympathy with the views expressed here regarding the inclusion of India as an independent member of the league. I do not understand it. I know that India was of great service during the war. Her petty princes furnished troops and treasure. Her people made sacrifices for the cause of the Allies that measure up to those which were made by the great powers themselves. Of her loyalty during this war there can be no question, with here and there a possible temporary and short-lived exception. Hence, I conclude that India was given this representation because of the magnitude and the splendor of her service and sacrifice in the Great War against Germany.

That, however, does not answer the objections which are made to the inclusion in the league of the dependency of a country with that country, and upon the same terms. That has been done; and if there were any way of avoiding it by considering India as a separate subject of amendment I confess that I should be somewhat perturbed as to my action. But so far as the self-governing dominions are concerned they are as nearly sovereign as nations can be as to everything except foreign affairs and the nominal allegiance which they owe to the King of Great Britain. If I remember correctly, the governments of these self-governing dominions declared war formally against Germany. Their legislatures certainly voted the money necessary to carry on and pay the expenses of their participation.

Mr. FALL. Mr. President——

Mr. THOMAS. I yield.

Mr. FALL. The idea suggested itself to me that the logic of the Senator's present statement is that while the United States is now a great nation, much more powerful at home and much more powerful in the councils of the nations and of the world because it is a nation and not a confederation of 48 States, in so far as our power in the world is concerned, if we should enter this league we would be much more powerful if we were merely a confederation of the 48 States.

Mr. THOMAS. Mr. President, I do not draw that conclusion. Certainly it is far from my intention to say anything upon which such a conclusion could be based, because I have made to that subject no reference whatever. I may say to the Senator, however, that I am unable to perceive how the United States would be more powerful or influential within the league than it would be without it.

Mr. FALL. I agree with the Senator thoroughly there. I think the United States is more than six times as strong out of it as it will be in it, even granting her an equal voting power with Great Britain.

Mr. THOMAS. Without challenging the accuracy of that statement or accepting it, I may say that, in my judgment, if the United States enters this league under a treaty containing part 13, unmodified and unamended, its influence and power will not only be largely diminished but it is merely a question of time when it, with the other nations of the earth, may disappear under the submerging tides of international socialism. But I shall address myself to that part of the treaty when the amendment which the Senator proposes to offer, to strike it out, shall come up for consideration.

Mr. President, Canada and the other self-governing dominions are closely allied with Great Britain. Their first allegiance, outside of their own interest, is to the mother country. It would be strange if it were not so, and particularly in view of their common experiences during the last four and a half years. But these provinces constitute far-flung portions of the British Empire. Great Britain is the mother of self-governing dominions, the great colony nation, because she knows how to

deal with, how to manage, and how to develop colonies, something which no other nation has learned; something which no other nation except our own ever will learn. The American Revolution and its disastrous consequences to England taught the people of that country the most valuable lesson of their history. They learned, by an experience which cost them the loss of their fairest domains, that English-speaking people and Anglo-Saxon races must exercise and enjoy the privilege of self-government and will assert it in open rebellion should it be refused by the governing power. Having learned that, she wisely applied it in all instances except one to English-speaking people, with the result that she has builded great communities—great, powerful, intelligent, and free nations—in the four quarters of the globe; and it was well that she did so, for she needed the inspiration of their encouragement and the practical assistance of their soldiers and their money during the recent crisis, in which her very life was imperiled.

But, Mr. President, there are many conditions largely local to these dominions which are more in harmony with American interests, with American points of view, and with American destiny than they are with those of Great Britain, and I think it is a mistake to assume in this discussion the antagonism of these dominions to us and the certainty of their identification with Great Britain as to any matter of dispute that might come between her and ourselves.

Indeed, I have regretted the assumption, frequently made here, of a condition of continued and chronic hostility of Great Britain to America, for all this discussion leads to the conclusion that, as to controversies which may come before the league for consideration or as to affairs which may not be controversial, the interests of Great Britain and those of the United States would be found in conflict or hostile to a greater or less degree. I do not think so. I have believed from the moment we went into this war that the one great security to the future peace of the world would be a mutual and permanent understanding between the English-speaking peoples, possessing as they do the wealth, the greater part of the commerce, the merchant marine, the civilization, and the institutions which make for the happiness of mankind and the prosperity of nations. I think that is a feeling, partly instinctive but nevertheless growing, among thoughtful people upon both sides of the ocean; and the principal faith which I have in this proposed league is the dominance of Great Britain and the United States within its councils, supplemented by the recognition of the nationalities of these great English-speaking dominions. They will be found together in the great majority of instances where league action is required.

Before the war, Mr. President, when international conflicts were discussed, and particularly when the urgency of preparation became one of the active incidents of our congressional life, men mentally visioned some antagonist threatening—perhaps remotely, but nevertheless threatening—the security of the United States. What country was it? The country, Mr. President, which had devoted itself to militarism, which had become the dominant power of the European Continent, which preached war and practiced conquest, whose commerce was extended into every country and whose industrial domination of the world seemed to be but a question of years. It was Germany which instinctively materialized in the public imagination whenever the thought of war or preparation for the national security became the dominant note of public thought and discussion.

Events proved that this instinct was a sure one; that it was neither misplaced nor misdirected. She was not building a fleet which she intended ultimately to surpass that of the British Empire, she was not increasing her land armament from year to year, she was not expanding her sources of military equipment at all times, for nothing. The wonder is, Mr. President, that the world was unprepared for the cataclysm when it came. The wonder is that it should have sat supinely during all the years when every evidence indicated the coming storm, for we saw shortly after that storm broke that it was the culmination of a series of events, every one of which had thundered its prophecy into the ears of mankind for many years.

We talk of preparation now, Mr. President. A subcommittee of the Committee on Military Affairs of the Senate has for the last three months been engaged in hearing experts and other advisers concerning the needs of a permanent Army. We have received a mass of information, most of it of great value, and I have no doubt it will enable us to formulate something of an intelligent character which the Senate may be induced to adopt.

But during all the discussion which has succeeded the war with Germany, what is it that lies behind this need for preparation? What is there in the world which menaces its future peace, and which may draw America into another great conflict? There is another nation pursuing the footsteps of Germany, extending its preparation and its power, obtaining foothold in China and Siberia, a nation which took advantage of the last great world cataclysm by imposing upon the helpless Chinese Government a series of demands, 21 in number, the clear purpose of which was to acquire control of all the material resources of that great country, including its population. Why? We do not know. We can only conjecture. But we may reason by analogy and from experience.

We know that autocracy is the antithesis of free government. We feel, therefore, that a nation engaged in constant imitation of a great autocracy which has disappeared for the time, desirous of the possession of the world's commerce in the Orient, chafing under discriminations of race which have been imposed in this country for the best of reasons—social, racial, and economic—with the great Empire of Russia, its once antagonist, prone in the dust, must have some ultimate objective which may be accomplished without war with America, but which may, on the other hand, involve us, for our future is on the Pacific.

Mr. President, I do not refer to this subject with a view of casting any reflection or imputation upon the Japanese people or Empire. I trust that our relations with them in the future will be what they have been in the past, and there is room in the world for the expansion of both. Their generous rivalry in commerce, in the arts, and in dominion, if continued upon the high plane of present civilization and with a constant recollection of the horrors of the last war, must make not only for the peace of the world, but for the well-being of millions of people in Asia and America. But we should prepare, nevertheless.

Let us assume, Mr. President, that our relations with Japan may become strained, that somewhere in the near or distant future a cloud may arise between these nations no bigger than a man's hand, but which may spread over the entire horizon, black and thick with the menace of coming disaster. We may need all the friends that we can secure, and I believe that in such an event, whatever the treaty requirements between Great Britain and Japan may be, America and not Great Britain can count upon Canada, Australia, and New Zealand, for their interests are our interests, and, as to this matter, their destiny is our destiny. They speak the same tongue that we do; they enjoy the same institutions that we do; they inherit them from the same great people which won them by scarifices untold. They have already gone upon record, Mr. President, when the events of the past have made some action necessary concerning many of the possible differences that may arise between ourselves and Japan. To say, therefore, that in disputes between the United States and other countries the six votes of Great Britain will act as a unit and against the United States, is to assume a situation which does injustice to these colonies, to ourselves, and doubtless to Great Britain.

Let me concede, for the sake of argument, that we find an antagonist in Great Britain, either because of her interest in our controversy or because of her treaty obligations to our adversary, I think, Mr. President, that we can safely hope for and surely depend upon her great western dominions as to every oriental problem which may present itself for our solution. I am quite content, therefore, with a reservation which precludes the possibility of their preponderant action as to disputes in which any of these members are concerned, and particularly with us, believing that the hand of good fellowship and confidence extended from the United States to these dominions will bring a future fruitage the need of which in some great and momentous crisis may be so urgent that without it our Nation might become subject and our institutions disappear. I shall, therefore, Mr. President, vote against these amendments.

Mr. BRANDEGEE. Mr. President, this treaty runs in the name of "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, by," and then follows the names of the Right Hon. David Lloyd-George and others who signed in behalf of Great Britain; and then "and for the Dominion of Canada by the Hon. Charles Joseph Doherty, minister of justice," and so forth; and then "for the Commonwealth of Australia," and so forth; then "for the Union of South Africa"; then "for the Dominion of New Zealand"; and then "for India" by certain gentlemen.

The treaty proceeds in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland, and so forth, and names the other sovereignties—the United States, France, and so on—all parties upon one part and Germany, the party of the second part. As the Senator from Idaho [Mr. BORAH] stated the other day, the composition of the British Empire is somewhat peculiar and involved. But, Mr. President, I assume

that when the various sovereignties met in the peace conference they met as equals, for, if I understand it correctly, in contemplation of international law the sovereign nations are all upon an equal basis. There is no distinction made either by reason of population or wealth or any other consideration. No matter how large or how small or how old these various sovereignties may be, in contemplation of international law they are equal and they are equally sovereign.

Now, as it seems to me, there has resulted in this treaty a queer condition of things. Whether it was by design or by accident I do not know. At any rate the British Empire, as such, including its self-governing colonies and dominions, has six votes in the league of nations created by the treaty. The British Empire has one vote and each of its self-governing colonies, of whom there are five mentioned in the treaty, has one vote. By what theory this came about is not explained. No other sovereignty which was party to the peace conference is treated in that way. If it is true, as claimed by the President and some Senators who take his view about the matter, that the one vote of any other member of the league is equivalent to the six votes of Great Britain, then I fail to see why Great Britain is given six votes, or the British Empire, perhaps to speak more correctly. I do not know who proposed that the British Empire should have six votes and that every other member of the league should have only one vote. No explanation is given.

Mr. KING. Will the Senator yield?

Mr. BRANDEGEE. For a question, if the Senator will make it a short one. I know the Senator's tendency.

Mr. KING. I think it is a little more than a question.

Mr. BRANDEGEE. It is generally a prelude of an argument winding up with a series of questions, but I yield to the Senator.

Mr. KING. The Senator was inquiring why Great Britain's colonies had votes and why six votes were given to no nation other than the one. Will the Senator say that the United States or Japan or France or Italy stood in the same relation as did Great Britain? We have not any self-governing dominions or colonies that correspond with Canada.

Mr. BRANDEGEE. I hope the Senator will come to his question. I knew what I was yielding to.

Mr. KING. I warned the Senator, and he anticipated, of course.

Mr. BRANDEGEE. I know.

Mr. KING. Does not the Senator think that the colonies of Great Britain occupy an entirely different position from Hawaii, Porto Rico, or any possession which France or Italy may have in Africa or in any other part of the globe?

Mr. BRANDEGEE. I do. They are British colonies. That is the difference in their position. I am not quarreling at all with Canada or Australia or New Zealand having a vote in a league of nations, because I think that, by population and wealth and intelligence and everything that goes to make a nation, they are entitled to it, much more so than the great majority of the members of the league which are given equal representation in the league by this treaty. The trouble is the way the British Empire is constituted and the dual theory upon which they seem to have proceeded in the construction of the treaty which results in their getting six votes and no others getting more than one. The trouble is that the British Empire as a sovereign, meeting the United States as a sovereign, says, "We will take one vote for the sovereign British Empire and we will give you one vote for the sovereign United States of America, and then we will put each one of our self-governing colonies in for a vote also, but no other nation shall put in any of their self-governing colonies or any of their dependencies." That is brought about in an ingenious way; at least, looking at it in the text it appears to be ingenious. Whether it was designedly so in order to gain an advantage, I do not express any opinion, because I know nothing about what was said over there, but no doubt the British colonies, which had contributed such great aid to the mother country in the war—Canada, Australia, and the rest of them—said, "We are entitled to a vote; we really are nations." When those five great overseas colonies notified Great Britain that they had to have a vote, I suppose Great Britain had to yield to them.

The result of it is that the British Empire gets one vote as the British Empire, which offsets the vote of the United States, and then gets five other votes, one to each of its self-governing colonies. It does that, not by saying "We will give to the British Empire one vote and we will give to each one of her colonies a vote also," but she does it not by stratagem, but by the method of saying, "This treaty is made in the name of His Majesty acting for all these colonies, and each one of these colonies shall be a member of the league." Then in another part of the treaty it says that each member of the league shall have one vote. So by putting its colonies in as members of the league and putting us in as a member of the league it gives each one of its colonies the same vote that the United States has, and then it gives to the British Empire another vote besides.

I have listened to some of the very able arguments made in relation to this question, and to the exceedingly able exposition which the Senator from Colorado [Mr. THOMAS] has just made of the reasons which induce him to prefer a reservation to an amendment upon this question. I am not convinced by the arguments of those who have persuaded themselves that a reservation is preferable to an amendment.

Let us see, Mr. President. We are asked, by ratifying this treaty, to set up a league of nations with a council and an assembly. The council and the assembly are to sit abroad in foreign lands. We are to have one representative upon each of those bodies.

Now, the amendment proposed by the Committee on Foreign Relations provides, in effect, that the United States shall have six votes if the British Empire and its colonies have six votes; that we shall have as many as any member of the league. The reservation, on the other hand, says, "No; we shall not enter the league upon an equality with the British Empire. We will enter with one vote and give them six votes, but we will put on a proviso that unless we are willing that they shall do so on any question they shall use but one of their six votes."

Mr. President, I submit it is humiliating to me as an American, and I think it will be humiliating historically to the records of this country as a sovereign nation, to meet the British Empire or any other nation and help organize an international tribunal on the basis that we have one vote to another sovereign, no larger, no better, no more powerful than we, having six times the voting power.

Those who favor the reservation say, "We recognize the humiliation and the injustice of it, but nevertheless we will organize it on this humiliating and unjust basis, and then we will have these six British delegates sit there, and we will not let more than one of them vote, when it comes to voting on anything, without our permission." I think that is a more humiliating spectacle than the original proposition which it is designed to correct. To have the great Empire of Great Britain send six delegates to this convention with their mouths gagged, to be simply ciphers there, denied the power of doing anything that the other one is to do, seems to me to be a most absurd situation for a great international league. I do not think the English, if I know Englishmen—and I do know some—with their sensitive nature, would be very much flattered by substituting the proposed reservation as against the amendment.

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from New Mexico.

Mr. FALL. Upon that proposition, as there has been so much time devoted to the suggestion that it is more difficult to secure acquiescence of the other countries in an amendment than in a reservation, I desire to ask the Senator if he does not think it would be very much more difficult to secure the acquiescence of Great Britain in reducing her vote from six to one and the acquiescence of the other countries in overturning what they have already done than it would be to secure their acquiescence in giving an equal number of votes to the United States, where in that proposition the United States would undoubtedly have the support of Great Britain, unless Great Britain's intention is to have more influence or power in the league and in the council than she gives to the United States?

Mr. BRANDEGEE. I thank the Senator for his suggestion, to which I agree. There can be no question, of course, that the nation which has six votes in the assembly has more power. This is put in for a purpose, of course. Nobody proposed that the United States, altruistic as we were, should have six votes and Great Britain one. It may have all been luck or a happy chance or the wisdom of Providence that accounts for this. I do not know. But you do not happen to find it that way—that we have the six votes and Great Britain has the one. So it fortuitously occurs that they enter upon this scheme six times more powerful than we are. Everybody agrees to that. If the people who want to supplement the amendment with a reservation do not agree to that, they ought not to offer their reservation, which is designed to correct the inequality not by putting us where we belong in comparison with Great Britain, but by gagging five of Great Britain's delegates.

Mr. President, it is a curious contrivance. I am not attempting to justify it; I am simply wondering at it. I am astounded at the moderation of the British Empire that, having gotten one vote for the British Empire and then one for each component part of the British Empire which was overseas, it did not take one for every part of the British Empire. Why

were they so generous as to give a vote to New Zealand and to India, which is not even self-governing and not populated by whites, and not give a vote to the United Kingdom of Great Britain and Ireland?

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. FALL. I think that is easily understood. Great Britain has been promising home rule to Ireland for a great many years, but has never given it. If she gave Ireland equal representation with herself in the league of nations, certainly she would logically be compelled to grant home rule.

Mr. THOMAS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. I think, Mr. President, if the Senator from New Mexico will permit me to add to his statement, that fact is due to the opposition of Ulster more largely than to the refusal of Great Britain.

Mr. BRANDEGEE. Mr. President, there is the United Kingdom of Great Britain and Ireland; there are England, Ireland, Scotland, and Wales. They are the parent of the British Empire. They do not get a vote. The British Empire gets one vote; the United Kingdom is a part of it; they get none; but the colonies do get votes. Upon what theory they are proceeding is somewhat interesting as a study; but, no matter what theory may be formed or by what reasoning one may account for the situation, the fact remains that the British Empire gets six votes to our one.

It is said if we also had six votes that would be a great injustice to France, to Italy, and to other members of the league. It would be no more of an injustice to them than it is for Great Britain to have six votes, and they have all agreed that Great Britain shall have six votes. It is understood and asserted by the President and others that, of all the nations of the world, we are the one nation that all the European and Asiatic powers trust as disinterested. If that is so, they certainly would not have any objection to giving us representation equal to that of Great Britain.

The statement of the Senator from Colorado and other Senators that we could always rely upon the support of the Republics upon this continent to my mind is not quite conclusive. Without going into the attempt to imagine what sort of questions will be brought before the assembly or what disputes may be referred either to the assembly or to the council, I think it ought to be patent to everyone who is familiar with our diplomatic history with other nations upon this continent that it is not at all certain that in an international controversy they would side with us rather than with some European power. I do not claim at all that the colonies of Great Britain would be controlled by Great Britain; I do not think it is necessary to assert that; and I do not think it can be truthfully asserted. All I say is that naturally a dependency or self-governing colony will be more apt to take the view of the mother country than it will of some other country.

The time to correct this condition, if it is wrong, is now. I think the covenant is practically unamendable, for it can only be amended by unanimous consent of all the members who have representation on the council and a majority of the other members who have representatives on the assembly.

I utterly disagree to the theory that we must not touch this mass of provisions; that we must accept it with all the errors and faults which it has and which everybody agrees are numerous, because if we made any change it would involve the necessity of the other parties to the contract agreeing to the change. Of course, it might, but they are all existent; the cables are working; the peace conference is in session, and the peace conference is subject to the orders of the Governments which appointed it. Even if the peace conference were not in session, the Governments which appointed it could accept any amendment they saw fit to accept. Most of the amendments which have been suggested are amendments which Senators claim to be superfluous, because they already represent the true intent and meaning of the treaty. If that is so they would be accepted out of hand forthwith, without a day's or a minute's delay. So, Mr. President, I regard the assertion that this document must not be touched because it would involve resubmission to the other parties as—I will not say not made in good faith, but I think the design of it is more to prevent any amendment at all than to show the impossibility of successful amendment.

Mr. President, I have seen in the public prints since this amendment designed to put us upon a basis equally advantageous as that upon which Great Britain is put in the treaty has come up for discussion that France says she thinks she ought to have more representation, and that she agreed to this scheme because she supposed she had to. I can see no earthly reason why, if Great Britain's dependencies are members of the league, the dependencies of France should not be members of the league. It is even discussed in England to-day that they ought voluntarily to relinquish this advantage. They themselves know that it is wrong, and yet we do not seem to have the courage or disposition to correct a manifest injustice at the only time when we can correct it.

If in the future there were no practical injustice or disadvantage connected with it at all, as a practical thing I would not have it known that on a record vote here I voted so to minimize my Nation as to put it on a one-to-six basis with Great Britain. I have heard it said as a nursery tale and fable that it took nine tailors to make a man, but heretofore I have never heard American citizens announce that it took six Americans to make one Englishman, and I will never vote that that proposition is true.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 1377. An act for the relief of Amherst W. Barber;

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; and

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. MCKENZIE, and Mr. CALDWELL managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 644. An act for the relief of Oscar Smith;

H. R. 646. An act for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox while in the employ of the Navy Department in Cuba;

H. R. 683. An act for the relief of William E. Johnson;

H. R. 909. An act for the relief of Ellen Agnes Monogue;

H. R. 946. An act for the relief of James A. Showen;

H. R. 6289. An act for the relief of the executor or administrator of Robert Laird McCormick, deceased;

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt;

H. R. 9697. An act to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.;

H. R. 9448. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10107. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Suffolk West Association of Congregational Churches of Boston, Mass., and a petition of the Men's Club of the Methodist Episcopal Church of Newton Center, Mass., praying for the ratification of the proposed league of nations treaty without amendment, which were ordered to lie on the table.

He also presented a memorial of the Nebraska League for the Preservation of American Independence and a telegram in the nature of a memorial from the James Connolly Branch, Friends of Irish Freedom, of Taunton, Mass., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations or amendments are adopted, which were ordered to lie on the table.

He also presented a petition of Klamath Post No. 8, American Legion, of Klamath Falls, Oreg., praying for the adoption of the so-called Johnson amendment to the treaty of peace with Germany, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Arizona:

A bill (S. 3301) to authorize the disposition of the proceeds from use of the Laguna Dam, Yuma reclamation project, for irrigation purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. SUTHERLAND:

A bill (S. 3302) granting an increase of pension to Samuel Wheeler;

A bill (S. 3303) restoring to the pension rolls the name of George B. Taylor; and

A bill (S. 3304) granting a pension to Elizabeth Ware; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3305) further to assure title to lands granted the several States, in place, in aid of public schools; to the Committee on Public Lands.

By Mr. NEW:

A bill (S. 3306) granting an increase of pension to Charles D. Austin (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3307) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SUTHERLAND:

A bill (S. 3308) for the payment of certain claims of general officers of Volunteers for three months' pay proper for Civil War service as reported by the Court of Claims; to the Committee on Claims.

HOUSE BILLS REFERRED.

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt was read twice and referred to the Committee on Post Offices and Post Roads.

H. R. 9697. An act to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La., was read twice by its title and referred to the Committee on Commerce.

The following bills were each read twice by their titles and referred to the Committee on Pensions:

H. R. 9448. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10107. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 644. An act for the relief of Oscar Smith;

H. R. 646. An act for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox, while in the employ of the Navy Department in Cuba;

H. R. 683. An act for the relief of William E. Johnson;

H. R. 909. An act for the relief of Ellen Agnes Monogue;

H. R. 946. An act for the relief of James A. Showen;

H. R. 6289. An act for the relief of the executor or administrator of Robert Laird McCormick, deceased.

SALE OF SURPLUS MACHINE TOOLS.

The PRESIDING OFFICER (Mr. ASHURST in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, and other recognized educational institutions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. SHEPPARD conferees on the part of the Senate.

INCREASED SALARIES OF POSTAL EMPLOYEES—CONFERENCE REPORT.

Mr. TOWNSEND. I ask unanimous consent to call up the conference report submitted by me a few days ago on House joint resolution 151, to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FRANKING PRIVILEGE FOR MRS. ROOSEVELT.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably, without amendment, the bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That all mail matter sent by the post by Edith Carow Roosevelt, widow of the late Theodore Roosevelt, under her written autograph signature, be conveyed free of postage during her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. LODGE. In accordance with an understanding which I had with the Senator from Nebraska [Mr. HITCHCOCK] before he left the Chamber, I move that the Senate take a recess until Monday morning at 11 o'clock.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until Monday, October 27, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *October 25, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the finer instincts of our being, impelled by the longings of our hearts, from the deeps we cry unto Thee our Father in heaven: lead us we pray Thee by Thy spirit into green pastures and by the side of still waters. Restore our souls and lead us into the paths of righteousness for His name's sake; and

Yea, though we walk through the valley of the shadow of death, we will fear no evil: for Thou art with us; Thy rod and Thy staff they comfort us.

Thou preparest a table before us in the presence of our enemies: Thou annointest our head with oil; our cup runneth over.

Surely goodness and mercy shall follow us all the days of our life; and we shall dwell in the house of the Lord forever.

So we hope, and aspire, and pray. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE—YUMA PROJECT, ARIZONA.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent for a change of reference of the bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona, from the Committee on the Public Lands to the Committee on Irrigation of Arid Lands. I have consulted with the chairmen of both committees and a majority of the members, and they have consented to it.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place;

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 753. An act for the relief of Susie Currier;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 5007. An act granting citizenship to certain Indians.

Mr. MONAHAN of Wisconsin. Mr. Speaker, the third congressional district of Wisconsin easily ranks with the best in the Nation—equaled by few, excelled by none. There at Madi-

son is located the State capitol, with admittedly one of the finest capitol buildings in the Nation. There is located the world-famed university that this year has an enrollment of nearly 8,000 students, and there is the dream city of Madison nestling among her four lakes. A noted writer once wrote the words, "See Naples and die." Out in Wisconsin we say, "See Madison, then live there forever."

The Wisconsin River cuts the district in two from east to west, dividing Richland and Crawford Counties on the north from the counties of Iowa and Grant on the south, and the mighty Mississippi sweeps the entire western border of the district. The third congressional district produces more lead and zinc ore than all the rest of the State, and millions of dollars are invested in this industry in Lafayette, Grant, and Iowa Counties. Tobacco is extensively grown in portions of the district, and, that you may realize how extensively, I cite the fact that Stoughton had at last report 68 tobacco warehouses, and the people were still building.

But, while great in all these and many other agricultural pursuits, Wisconsin, following the advice of the late Gov. William D. Hoard, of blessed memory, sings the Song of the Cow, for while Wisconsin in population ranks but twelfth in the sisterhood of States, in dairy products she ranks first, and in the manufacture of Swiss cheese has no rival on the globe; and the queen of all Swiss cheese-making counties in Wisconsin is the county of Green, lying in the southeast corner of the third congressional district.

The first white settlers in Green, like most other counties in southern Wisconsin, came largely from the Eastern States and for a number of years farmed in the good old New England way with but moderate success. Later a colony of people from Switzerland settled in what is now known as New Glarus, in Green County, and began to clear the land for farming purposes—not in the old way but for dairying. About the second year of the settlement they built of logs a cooperative cheese factory and began the manufacture of butter and cheese. The natives looked upon this inovation first with disdain, then curiosity, and then wonderment. For while they were not getting rich the Switzer kept on milking, buying more land and more cows. More Swiss came every year to open farms, milk, and make cheese, and dairying became a fixed industry in the county. Finally the other settler farmers began to follow the lead of their Swiss neighbors, and thus, before other portions of the State realized what they had lost and were yearly losing, Green County was leading, and still is leading all counties of the Nation in the manufacture of Swiss, Limburger, block, and brick cheese. To give you an idea of what this great industry has done for Green County, you will be surprised to learn that the county is only 20 miles square, has a population (1910) of 21,641 people, and was the wealthiest agricultural county in the United States per capita and had within her borders more than 200 cheese factories and creameries, the former largely predominating.

Mr. Speaker, I have an announcement to make to the House this morning, in which I think all the Members will be interested. While we regard Wisconsin as the great drive wheel of the dairy products of the Nation, there is one county in my district we regard as the hub of that wheel, and that is Green County. And the good people of the city of Monroe and of Green County have sent to me a Swiss wheel cheese. I am going to take that cheese and place it down in the restaurant to-day for lunch. [Applause.] I have seen the manager of the restaurant, and he is going to furnish some rye bread to serve with it. Now, we used to be able to say in Wisconsin——

Mr. CANNON. Will the gentleman yield for just a word?

Mr. MONAHAN of Wisconsin. Yes.

Mr. CANNON. I trust it is as big as a wagon wheel.

Mr. MONAHAN of Wisconsin. I have not opened it yet; but it is here, and, knowing how the Nestor of the House loves all the good things of life, I hope he will not be disappointed. [Laughter.] There used to be another supposed necessity which went with rye bread and cheese in Wisconsin——

Mr. MONDELL. Will the gentleman yield?

Mr. MONAHAN of Wisconsin. I will.

Mr. MONDELL. Who furnishes the crackers and the other fixings?

Mr. MONAHAN of Wisconsin. I do not know. I furnish the cheese, the restaurant manager furnishes the rye bread, and for "crackers and other fixings" the gentleman from Wyoming must do his own rustling. [Laughter.]

Mr. JOHNSON of Washington. Is this the product that made Milwaukee famous?

Mr. MONAHAN of Wisconsin. No; that beverage will not be on the table. Some people regard it as "infamous," but I will let the gentleman from Ohio [Mr. GARD] and the gentleman from Minnesota [Mr. VOLSTEAD] settle that question between them. In the meantime all come down to the lunch room and eat Swiss cheese. [Applause.]

Mr. BUTLER. If this is a good cheese, why not have it distributed through the folding room, so that each man can get his share of it? [Laughter.]

Mr. MONAHAN of Wisconsin. I advise the gentleman to "eat such things as are set before him and ask no questions for conscience sake." [Laughter.]

It is not regarded as being good form to look a gift horse in the mouth. [Laughter.]

For the great pleasure it gives me to aid you all in fighting the high cost of living for to-day, I am indebted to the Badger Cheese Co., of Monroe, Wis., who donated the cheese, at the same time writing me the following letter which I desire to read into the RECORD:

MONROE, WIS., *October 20, 1919.*

Hon. J. G. MONAHAN,
Washington, D. C.

DEAR MR. MONAHAN: I am sending you to-day by express a sample of Green County made Swiss cheese, which I hope you will place on the table of the House restaurant, and that the Representatives will partake of the same. Green County, Wis., has long been famed for its production of foreign styles of cheese. A little county of some 20 miles square that has a reputation of producing more foreign styles cheese than any like area of the Nation and is a great factor in the cheese production of our State.

We wish to inform the House that Green County makes nothing but foreign styles cheese—Swiss, Brick, and Limburger—and we feel that the Swiss cheese that we are making is equal to any cheese that has ever been imported into the country, and it is our ambition to increase the consumption of domestic Swiss cheese; and I feel that after sampling the cheese which we have sent you, that you will agree with Mr. MONAHAN, our Representative from this district, in these assertions.

Trusting that you will enjoy eating this cheese as well as we enjoy sending it, we beg to remain,

Very sincerely, yours,

BADGER CHEESE CO.,
RAY A. YOUNG, *Sales Manager.*

[Applause.]

CAPT. HARRY GRAHAM.

Mr. McKENZIE. Mr. Speaker, I desire to ask unanimous consent to take up the bill H. R. 8272 and pass it.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the immediate consideration of a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8272) to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry.

Mr. GARD. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

The SPEAKER. Is there objection to the immediate consideration of this bill?

Mr. GREEN of Iowa. Reserving the right to object, will the gentleman explain a little as to why the bill is brought forward at this time?

Mr. MONDELL. Mr. Speaker, if there is going to be any prolonged discussion, I will have to object. It is a very extraordinary matter to bring in the bill at this time, and now we have a special rule on an important public matter. If there is going to be any discussion over this subject, I will have to object.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the gentleman have three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that his colleague have three minutes in which to explain the bill? [After a pause.] The Chair hears none.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, this bill has to do with Capt. Harry Graham, who entered the Army from civil life, rose to the rank of captain, and served in the Army for over 18 years. He was attending the officers' school at Fort Leavenworth, and there he was charged with two other officers with fraudulently tracing a map. He demanded a court-martial, and was tried with the other two, who pleaded guilty, and were convicted and dismissed from the Army. He brought his case to Congress. The Committees on Military Affairs of the House and the Senate investigated the matter thoroughly, and came to a unanimous decision that Capt. Harry Graham had been unjustly put out of the Army; that there was absolutely no ground for the judgment of court-martial. We brought in a bill to reinstate him in the Army as captain, but the time he was out caused him to lose about

1,200 files on the lineal list. The war came on, and he was given a temporary grade of major, and served——

Mr. BLANTON. The gentleman forgot to state that the Congress did reinstate him.

Mr. McKENZIE. I meant to do that. Congress did reinstate him as a captain. He is one of the oldest flyers in the service. He is a man against whose character there has never been a question, and the only reason why I now take the time of the House to ask that this be done is that on the 1st of November the rearrangement of the officers in the Regular Army takes place, and if Capt. Harry Graham, remains at the bottom of the list, as he is now, he will continue to be only a captain for years and years, while young men who have come into the service in the last year or two will outrank him. This simply puts him back to the place where he belonged when he was put out of the Army?

Mr. KITCHIN. Is he in the service now?

Mr. McKENZIE. Yes; he is in the service now, I will say to the gentleman. He was in service at Kelley Field.

Mr. KITCHIN. What was the object of his superior officers in trying to "railroad" him out of the service?

Mr. McKENZIE. That may be too strong a word. My friend from Minnesota interjected that into my statement.

Mr. KITCHIN. But I understood the gentleman to say that "railroading" was the best word to be used. How long ago was that?

Mr. McKENZIE. That was in 1917.

Mr. KITCHIN. What object did they have in getting him out of the service?

Mr. McKENZIE. They had no particular object that I know of. The other two officers pleaded guilty to the charge.

Mr. KITCHIN. How did he plead guilty if there was no evidence?

Mr. McKENZIE. The other two pleaded guilty. He pleaded not guilty and demanded the right to have his case cleared up.

Mr. KITCHIN. What I wanted to get at is if this gentleman was "railroaded" out or put out for some ulterior motive, what action did the committee take in regard to the officers who forced him out of the service?

Mr. McKENZIE. We had no jurisdiction over them, I will say to the gentleman.

Mr. KITCHIN. Did they criticize or investigate it?

Mr. McKENZIE. No.

Mr. BLANTON. Mr. Speaker, I if the gentleman will yield a moment I will tell the gentleman that the only evidence on God's earth against the man was that they claimed that the map he made was so perfect that a man could not have made it unless he had had a model to copy from.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McKENZIE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE TO PRINT.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that for general information of the Congress I be permitted to print in the RECORD several thousand letters which have come to me from every congressional district in the United States demanding of Congress that the people of the United States be protected against threatened anarchy in this land.

The SPEAKER. The gentleman from Texas asks unanimous consent to print several thousand letters. Is there objection?

Mr. WALSH. Well, I shall have to object.

The SPEAKER. Objection is made.

PRIVILEGED RESOLUTION—MINING OF COAL, PHOSPHATE, OIL, ETC.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 358, submit a privileged report on said resolution, with the recommendation that it be agreed to.

House resolution 358.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2775, being "An act to promote the mining of coal, phosphate, oil, gas, and sodium on the public lands." That the reading of the Senate bill shall be dispensed with and for the purpose of amendment the House committee substitute shall be considered as an original bill. That the substitute shall have a privileged status until the conclusion of its consideration, and the debate shall be confined to the substitute. That at the conclusion of the general debate on the substitute the substitute shall be read for amendments under the five-minute rule. That at the conclusion of such consideration the committee shall arise and report the substitute to the House with amendments, if any. That thereupon the previous question shall be considered as ordered on the substitute and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WALSH. I was unable to catch the language as to general debate.

Mr. CAMPBELL of Kansas. The rule does not fix the time for general debate.

Mr. WALSH. But it is to be confined to the bill?

Mr. CAMPBELL of Kansas. Yes. The debate is to be confined to the bill. The hope is that the majority and minority members of the Committee on the Public Lands will be able to come to an agreement as to general debate.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. What is contained in the rule as to the consideration of the bill with respect to next Monday's work?

Mr. CAMPBELL of Kansas. It has a privileged status, and the House can do as it chooses.

Mr. GARD. Under the rule the bill has a privileged status? It continues to-day and Monday—this bill?

Mr. CAMPBELL of Kansas. If the House does not decide otherwise a motion will be made to go into Committee of the Whole.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. RAKER. The rule is a little peculiar. Instead of its providing that the debate be confined to the bill, this rule provides that the debate shall be confined to the substitute. What is the purpose of that?

Mr. CAMPBELL of Kansas. The substitute is the bill reported by the Committee on the Public Lands.

Mr. RAKER. Is that intended to exclude any debate relating to the general Senate bill and all matters in relation to it?

Mr. CAMPBELL of Kansas. The rule provides for the consideration of the House substitute for the Senate bill.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Massachusetts.

Mr. WALSH. It is really a House amendment, one amendment, is it not?

Mr. CAMPBELL of Kansas. Yes; an amendment in the nature of a substitute.

Mr. WALSH. To strike out all after the enacting clause and to insert another bill?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Why should not the debate be permitted on the Senate bill that is stricken out? It seems to me to limit debate on the House amendment would not be permitting any discussion of the Senate bill, which was amended by the committee. It would be an unusual restriction on general debate.

Mr. CAMPBELL of Kansas. The general subject matter would be under consideration.

Mr. WALSH. Of course, there is no substitute before the House. The Senate bill is before the House, with a House amendment.

Mr. CAMPBELL of Kansas. This rule brings the substitute before the House as an original bill for the consideration of the House.

Mr. SINNOTT. Mr. Speaker, if the gentleman will permit, this procedure is the same procedure as was adopted when this matter was up at the last Congress under unanimous consent.

Mr. RAKER. Mr. Speaker, will the gentleman yield for another question?

Mr. CAMPBELL of Kansas. I yield.

Mr. RAKER. In the Senate bill are provisions that were not included in the House bill. Now, under the rule the debate is confined to the substitute. Is that intended to exclude debate in relation to the Senate bill?

Mr. CAMPBELL of Kansas. Oh, no; the intention was to prevent the gentleman from California and other gentlemen

from making political speeches. The purpose of this rule is to confine the debate to the subject matter under consideration.

Mr. FERRIS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. FERRIS. As a matter of fact we will do under the rule precisely what we did by unanimous consent when the bill was considered before.

Mr. CAMPBELL of Kansas. Exactly so. We shall follow exactly the procedure that was followed when this bill was considered at another time by the House.

Mr. CARTER. Under unanimous consent?

Mr. CAMPBELL of Kansas. Yes.

Mr. RAKER. I call the attention of the gentleman to this difference: Formerly the bill did not contain different provisions in the original bill and in the substitute. At the present time there are provisions in the Senate bill that are not in the House bill.

Mr. CAMPBELL of Kansas. Oh, the gentleman from California can discuss any question that was raised in the Senate bill. The purpose is to confine the debate to the subject matter under consideration.

Mr. BUTLER. To oil leasing, and so forth.

Mr. CAMPBELL of Kansas. Yes; to oil leasing and coal leasing and phosphates and sodium and other questions dealt with by the bill.

Mr. WINGO. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Certainly.

Mr. WINGO. Can the gentleman give the House any idea about how long it is contemplated this will be a continuing order?

Mr. CAMPBELL of Kansas. I can not. The thought of the gentleman in charge of the bill was that he would be able to conclude its consideration in a couple of days.

Mr. WINGO. The reason I ask is that there are at least two matters that I have in mind, that I feel sure the Rules Committee will be inclined to give rules for their consideration next week, especially if we are going to adjourn on November 10; and I wanted to know whether or not this bill was to be used as a means of taking up all the time between now and November 10, to prevent the consideration of emergency matters.

Mr. CAMPBELL of Kansas. Oh, no; the purpose of the committee is to expedite the consideration of the bill as rapidly as possible.

Mr. RAKER. I should like to ask the gentleman one more question in regard to his statement about the debate being confined to the subject of the bill. In section 1 the House has not included that provision in regard to alien ownership that the Senate has included.

Mr. CAMPBELL of Kansas. That is a matter that is inherent in this whole subject, and, of course, will be under consideration.

Mr. RAKER. Very well. One other question. Sections 40 and 41 relate to entirely different matter, in regard to the anti-trust law. Now, as I understand the gentleman's explanation of the rule, it does not prohibit a full discussion, if Members so desire, as to the provisions of sections 40 and 41 of the Senate bill.

Mr. CAMPBELL of Kansas. Certainly not.

Mr. MAPES. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Michigan.

Mr. MAPES. Referring to the question of the gentleman from Ohio [Mr. GARD] and the answer of the gentleman from Kansas relative to the effect of this rule on District business, I understand that this rule has no further effect than to give this oil-leasing bill a privileged status.

Mr. CAMPBELL of Kansas. A privileged status.

Mr. MAPES. The same as an appropriation bill, and does not in itself dispense with District business on District day.

Mr. CAMPBELL of Kansas. Oh, no; that is a question for the House to decide on Monday, when the gentleman from Oregon [Mr. SINNOTT] moves to go into Committee of the Whole for the consideration of this bill.

Mr. MAPES. Of course, the gentleman is assuming that the gentleman from Oregon will make that motion.

Mr. CAMPBELL of Kansas. I am assuming that he will make that motion. If he does not make it, then the gentleman from Michigan will have a clear field.

Mr. MAPES. Whether he makes it or not, the chairman of the Committee on the District of Columbia will have the right to move to go into Committee of the Whole for the consideration of District business.

Mr. CAMPBELL of Kansas. Undoubtedly.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. This rule makes it in order for the House to go into the Committee of the Whole House on the state of the Union for the consideration of S. 2775. Then it further provides that the substitute shall have a privileged status until the conclusion of its consideration.

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Does not the gentleman think that sentence should read that S. 2775 shall have a privileged status until the conclusion of its consideration?

Mr. CAMPBELL of Kansas. No.

Mr. WALSH. You are going into Committee of the Whole House on the state of the Union to consider a certain bill.

Mr. CAMPBELL of Kansas. We are going into the Committee of the Whole House on the state of the Union to consider the action of the House Committee on the Public Lands rather than the action of the Senate.

Mr. WALSH. But you are not going into Committee of the Whole House on the state of the Union to consider the substitute. The only reason this is before the House is because the Committee of the Whole House on the state of the Union is to consider the Senate bill as amended by the House Committee on the Public Lands.

Mr. CAMPBELL of Kansas. The House Committee on the Public Lands have brought in a substitute for the Senate bill.

Mr. WALSH. They have done no such thing. They have brought in a Senate bill with House amendment, but we are still considering the Senate bill.

Mr. CAMPBELL of Kansas. If that is the view of the gentleman from Massachusetts, he is entitled to it. I am taking the parliamentary view of the situation in which this bill comes before the House under this rule.

Mr. WALSH. But I want to ask the gentleman if he thinks it is wise to establish the precedent of bringing a rule to go into Committee of the Whole to consider a Senate bill and in the same rule making provision that a substitute shall have a privileged status when there is no question of a substitute involved? And I submit that under the rules of the House and under any rule that the committee have reported we have never given any substitute a privileged status.

Mr. CAMPBELL of Kansas. Oh, the House by unanimous consent did exactly this thing a year ago, and the gentleman no doubt was here and consented to it.

Mr. WALSH. I was here; and I know that the unanimous consent a year ago was simply that the House should consider the House amendment in lieu of the Senate bill.

Mr. CAMPBELL of Kansas. And that is exactly what we are doing to-day.

Mr. WALSH. I beg the gentleman's pardon. You are wiping out consideration of the Senate bill altogether, and you are going into the Committee of the Whole House on the state of the Union to consider a Senate bill, and then, instead of giving the Senate bill a privileged status, you are giving the substitute a privileged status, and there is no substitute involved, but simply a House amendment.

Mr. CAMPBELL of Kansas. The gentleman has confused the action of the Committee on the Public Lands in bringing a substitute before the House rather than the Senate bill.

Mr. WALSH. Will the gentleman yield further? He has been very kind in yielding for questions.

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Will the gentleman say what it is about an oil-leasing bill that makes it necessary to present a unanimous-consent request or bring in a rule to handle it in this novel way?

Mr. CAMPBELL of Kansas. It is not a novel way.

Mr. WALSH. It has not been done with any other bill except an oil-leasing bill.

Mr. CAMPBELL of Kansas. Matters are considered under special rule, as the gentleman from Massachusetts knows, if he will consult the precedents of this and similar character of bills throughout the history of Congress.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CLARK of Missouri. The gentleman from Massachusetts is thoroughly wrong. This thing has practically been done time and again—to consider a substitute instead of a bill, or one amendment instead of a bill, or a House bill in the nature of an amendment, instead of the bill itself.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. I want to say to the gentleman from Missouri that "the gentleman from Massachusetts" has not controverted that proposition at all.

Mr. CLARK of Missouri. I thought that was what the gentleman was controverting.

Mr. WALSH. The confusion contributed by the gentleman from Kansas is apparently contagious. [Laughter.]

Mr. CAMPBELL of Kansas. The purpose of the rule making the substitute in order as the original bill was to give a wider latitude for amendment under the five-minute rule.

Mr. FERRIS. If you proceeded otherwise, there only being one amendment, you could not consider it section by section.

Mr. WALSH. That is taken care of in another part of the rule. You are giving a substitute a privileged status instead of the bill upon which you go into Committee of the Whole to consider.

Mr. FERRIS. The whole thought was to have this considered section by section.

Mr. MONDELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MONDELL. I think the form of the rule is the correct one in order to give a wide latitude for amendment. I want to make this suggestion or inquiry: Line 11 of the rule provides that the debate shall be confined to the substitute. I suppose what it means is that it shall be confined to the subject matter under discussion; not necessarily the language in the substitute, but to the subject matter. In other words, if there is anything in the Senate bill that relates to the subject matter that was modified by the House, that general provision could be discussed.

Mr. RAKER. Will the gentleman yield? The suggestion of the gentleman from Wyoming would eliminate the discussion of the Senate bill which the House struck out.

Mr. MONDELL. On the contrary, my suggestion was with a view of making it clear that these matters could be discussed.

Mr. CAMPBELL of Kansas. I stated to the gentleman from California that the rule was for the purpose of preventing him and others from making political speeches.

Mr. RAKER. I never made a political speech in my life in discussing a bill, if I discussed it at all.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LONGWORTH. As a matter of fact, the subject treated of in the two bills is the same, so what difference does it make?

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the rule.

The previous question was ordered.

The resolution was agreed to.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and pending that motion I wish to see if we can not agree on some time for general debate.

Mr. FERRIS. Has the chairman any suggestion to make?

Mr. SINNOTT. Requests for time on this side will not consume over an hour.

Mr. FERRIS. I think we can accommodate ourselves to that.

Mr. RAKER. Reserving the right to object, I would like 40 minutes on the bill. There are vital matters in the bill which I wish to discuss.

Mr. SINNOTT. Perhaps the gentleman from Oklahoma will yield the gentleman from California 40 minutes.

Mr. RAKER. I want it understood in advance that I want an opportunity to be heard on these important matters in this legislation.

Mr. SINNOTT. I think the debate will be very liberal under the five-minute rule.

Mr. RAKER. I want it on general debate. This is important legislation and there are four important amendments eliminated by the House.

Mr. FERRIS. I would like to state to the gentleman from California that one hour on a side seems ample. This bill has been through the House four times, and I will be liberal and give the gentleman more time than I use myself. I do not like to promise the gentleman 40 minutes out of 60 minutes to make a speech on a subject that comes up later in the bill. The chairman has stated that the five-minute debate will be liberal. If the gentleman from California speaks 40 minutes there will not be four souls left here to hear him.

Mr. RAKER. That is a gratuitous statement on the part of the gentleman from Oklahoma. If they stay to hear me, all right; and if they do not, it is all right. I have the right to be heard on the merits of the bill, and I want the promise of that time and not lose my rights by consenting in advance. There are important matters that I will discuss when I get the time, and state why I did not file a minority report.

Mr. SINNOTT. I only expect to take 10 minutes myself in debate.

Mr. RAKER. I want 40 minutes.

Mr. SINNOTT. I will give the gentleman 10 minutes of my time.

Mr. MONDELL. Mr. Speaker, it occurs to me, in view of the fact that all other gentlemen here sacrifice themselves in this matter and only propose to take a few minutes, that the gentleman from California could conclude his remarks in 30 minutes.

Mr. RAKER. May I say this to the gentleman: I have always deferred my right. I have not taken the time of the House. I have been considerate about imposing upon the House, but here is one time where matters of importance are involved. I have been upon the Committee on the Public Lands for a number of years, during which time this subject has been considered. I think this is a time when certain statements should be made from the floor in respect to certain phases of the bill, whether there be 400 Members present, 200 Members present, or only 3, so that the matter may be brought to the attention of the House.

Mr. FERRIS. Mr. Speaker, I do not feel that the gentleman from California [Mr. RAKER] ought to ask for nearly all of the time that is allotted. I feel that his modesty ought to overcome his desire, but evidently it does not. If gentlemen on the other side are willing to grant the gentleman from California 10 minutes, we will give him 30 minutes, which will make 40 minutes, and although I have been chairman of the committee for several years, or was until the House changed its complexion, I will content myself with 5 or 10 minutes.

Mr. DYER. Mr. Speaker, does not the gentleman think that is unfair to the gentleman from California?

Mr. FERRIS. I think it is fair.

Mr. DYER. Can not the gentleman give him all of the time?

Mr. RAKER. Oh, the gentleman from California has not taken any more time than have the rest of the Members of this House.

Mr. DYER. I know that the gentleman from California is of a very sacrificing nature.

Mr. RAKER. Mr. Speaker, I am entitled to represent my constituents on this floor.

Mr. MCARTHUR. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Oregon asks unanimous consent that general debate be confined to two hours, one hour to be controlled by himself and one by the gentleman from Texas [Mr. FERRIS]. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Oregon that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2775.

Mr. BLANTON. Mr. Speaker, I withdraw the objection if the gentlemen are willing to divide the time equally.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that there be two hours of general debate, one hour on a side? [After a pause.] The Chair hears none, and it is so ordered. The question is on going into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2775.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with Mr. MADDEN in the chair.

The Clerk reported the title of the bill.

Mr. SINNOTT. Mr. Chairman, I wish to be notified when I have consumed 10 minutes of time. I feel at this time that it is not necessary to enter into a very long or elaborate discussion of this measure for the reason that it is very familiar to the older Members of the House. Legislation similar to this, or bills practically molded upon the same principles as are contained in the substitute before the House, with a few slight changes, generally conceded to improve the bill, have been passed by this House. Practically this measure has been before the House, and the House has passed it at least three times. The subject has been pending before Congress for the past seven years, and has received a great deal of attention and a great deal of discussion. I feel, however, that some of the features of the legislation should briefly be called to the attention of the House. It is a common thing for sponsors of legislation to designate the particular legislation which they may have before the House as legislation of great and supreme importance, and I think it may be said of this bill that it is a measure of supreme importance to the people of this country. In a general way it involves, according to the statement of the Secretary of the Interior, the releasing of enormous areas of our public lands that have been withdrawn from development and exploitation for several years. Approximately 6,500,000 acres of

possible oil lands have been withdrawn from development in our Western States; 2,700,000 acres of phosphate lands have been withdrawn; 3,500,000 acres of oil-shale land have been classified and will become subject to development under this bill, and 70,000,000 acres of coal land are involved; 29,000,000 acres of those coal lands have already been classified. The Secretary of the Interior tells us that while the classified lands may be acquired under existing law, that law is admittedly inadequate and unsuited to the development of coal deposits, because it limits the area which may be acquired to an amount too small for successful mining. The importance of this measure in a general way is exemplified by these figures of enormous areas, in our Western States, withheld from development. The importance of the legislation in a specific way as it relates to oil lands is emphasized by Dr. Manning, the Director of the Bureau of Mines. He tells us in his last report that a review of the American petroleum industries shows that the industrial development and general prosperity of the United States depends upon an adequate supply of petroleum. He says further:

Faced with this growing need for petroleum, we have to consider seriously the means whereby an adequate supply for the future can be obtained. We know that the domestic output does not meet the present consumption, and that the amount of this deficit will probably continue to increase. Of the original available supply under ground, it is estimated by the United States Geological Survey that we have consumed 40 per cent that is unreplaceable. A diminishing output, with increased consumption, will make the United States more dependent upon foreign fields. It is true that there are vast oil reserves in foreign countries, and if those fields could be developed without hindrance they could, even though consumption continues to increase at the present rate, probably meet the world's demand for the next 10 years at least. Production beyond the 10-year period is not safe, for too many certainties are involved.

Another important feature of this bill relates to the unlocking of lands that have been withdrawn in California and Wyoming. In California lands aggregating from thirty to forty thousand acres of oil lands were withdrawn. In Wyoming from five to ten or twenty thousand acres of land have been withdrawn, and these particular lands in California and in Wyoming were withdrawn from operation after a number of oil claimants had gone upon the lands at the express invitation, the statutory invitation, of the Government of the United States.

Had these withdrawals not taken place in California and Wyoming——

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. SINNOTT. Mr. Chairman, I yield myself three minutes additional. Had these withdrawals not taken place in those States many of these oil claimants under the law would have been able to receive patents for their land, if they so desired. Their patents were withheld on account of the withdrawals. Most of these lands are now all in litigation. Something like from twenty to twenty-five or thirty million dollars as a result of the oil production in the land in those two States have been impounded. This bill will enable the Secretary of the Interior to settle all these litigations and will enable further production of oil to be made. That matter will be gone into at length when we come to section 18. One important feature of this bill that should be commented upon is that this bill inaugurates a change of policy in our disposition of our public lands. Heretofore public lands or lands containing minerals described in this bill were disposed of by patenting. That procedure has been eliminated in this bill, and no further public lands containing such minerals will be patented, except under section 37. Those making the necessary discovery will be given a lease to the land. The Government reserves the title, and the Government also reserves the right to establish rules and regulations to prevent waste in the production of oil and in the production of coal and the other minerals. The lessee must sell his product at reasonable prices. A new feature in this bill is the reservation of all helium that may be found in the leased lands. Helium gas is the gas that is necessary to employ in dirigibles in order to prevent combustion. Helium gas is a noncombustible gas. There is more of it in the United States than any other country. During the war we paid to one concern in Texas $1,500,000 for the right to extract helium gas from the oil land owned by the party in question.

Mr. GRIFFIN. Will the gentleman yield there?

The CHAIRMAN. The gentleman has used the three additional minutes.

Mr. GRIFFIN. Will the gentleman yield for one minute?

Mr. SINNOTT. I will take an additional minute.

Mr. GRIFFIN. I want to ask the gentleman whether there is any case on record where helium has been discovered in the raw state?

Mr. SINNOTT. Well, some contend that the gas known in Kansas as "wind gas" is really a helium gas [laughter], because it is not inflammable.

Mr. BLANTON. Is that the kind we have here so frequently?

Mr. BAER. From the gentleman from Texas; yes.

Mr. BLANTON. On the other side.

Mr. SINNOTT. The gentleman does not care to make the obvious answer.

Mr. GRIFFIN. I also want to ask the gentleman——

The CHAIRMAN. The additional minute has expired.

Mr. GRIFFIN. Just one minute. Is the expenditure——

Mr. SINNOTT. When we get to the five-minute rule.

Mr. GRIFFIN. Just one minute. I want to ask this question. I want to get it in the RECORD here.

Mr. SINNOTT. Not out of my time. I will answer when we get under the five-minute rule.

Mr. GRIFFIN. Mr. Chairman——

The CHAIRMAN. The gentleman declines to yield.

Mr. SINNOTT. I will gladly answer when we get to the discussion of the bill under the five-minute rule.

Mr. GRIFFIN. Mr. Chairman, I am to get five minutes myself and I will yield one minute from my time to the gentleman from Oregon to answer the question.

The CHAIRMAN. The gentleman from Oregon and the gentleman from Oklahoma have control of the time and the gentleman will have to make arrangements with them.

Mr. GRIFFIN. I am willing to yield one minute of my time, as I wish the gentleman to answer the question now in its context.

The CHAIRMAN. But the gentleman is not recognized; the gentleman from Oregon has not yielded the floor, and he has control of the time. The Chair desires to ask the gentleman from New York if he has control of the time, as he understood the gentleman from Oklahoma had?

Mr. SINNOTT. If the gentleman from Oklahoma will yield that time.

Mr. FERRIS. I will yield the gentleman one minute to enable him to answer, so we can get along.

Mr. SINNOTT. Then I will yield.

Mr. GRIFFIN. I want to ask the gentleman how you propose to separate the helium from the natural gas and the reservation of that gas to the United States Government for the people?

Mr. SINNOTT. The experts of the War Department spoke to me about that matter, and they say it will be very easily done without in any way jeopardizing the operation of the mine or oil production; that the extraction of this gas makes the ordinary gas it is mixed with more inflammable and a better lighting medium.

Mr. GRIFFIN. It involves both a mechanical and chemical operation?

Mr. SINNOTT. It involves an operation that will not interfere with the oil production.

Mr. GRIFFIN. The United States Government divests its control of the gas in order that helium may be procured?

Mr. SINNOTT. No; the United States Government reserves the right to this gas under the bill.

Mr. GRIFFIN. It divests itself in the first instance of the gas in order to have this operation performed?

Mr. SINNOTT. It never divests itself of the right to extract helium gas.

The CHAIRMAN. The gentleman from Oklahoma is recognized for one hour.

Mr. FERRIS. Mr. Chairman, I think I shall consume about 10 minutes, and I desire the Chair to call my attention to the fact when I have used that much time. Mr. Chairman and gentlemen of the House, this is the fourth time the House of Representatives has sought to enact a leasing bill for the development of coal, oil, gas, and phosphate ores of the United States. On three former occasions the House has passed practically by unanimous consent a bill providing a leasing law whereby the Government might get some revenue for the Treasury of the United States and for the reclamation fund of the United States, and in a way supplant the old laws that have grown antiquated and out of date. The bill each time has gone to the Senate, and the Senate has modified it to such an extent that either in conference or by reason of attacks of the public press the bill has been defeated. In the last Congress the bill passed the House. In fact, I think it passed without a dissenting vote, and then it went over to the Senate. It passed the Senate, was sent to conference, came back here, and the conference report was adopted by more than 3 to 1.

It went to the Senate, and 65 Senators signed a round robin that they would pass the bill if they had a chance to vote on it, but it was in the closing days of the session, and some of the Senators made objection to it and took up the time, and so it could not be voted on. It died for want of consideration.

Everybody was for it. It was needed. It was recommended by the Interior Department. It ought to have been passed then. It ought to be passed now. It is a supplanting of old and antiquated laws, and substituting a general lease law that will be orderly, workable, and will develop the West, with a royalty to the Treasury.

Mr. BAER. That bill, though, patented the land, and this only leases it, I understand.

Mr. FERRIS. It had a fourth patent as a bonus to the prospector who discovered the oil. This gives a preference right to a lease. It was not on that proposition that it was defeated at all. It was a filibuster by one Senator. This year the Senate took the initiative and passed the bill first, and in my opinion they passed a pretty good bill. It had some defects as I viewed it; we have remedied some of them; we will remedy a few more of them in the House. I think it is the best bill the Senate has ever passed on the subject.

Some have said that it was a better bill than either House has passed. There were some provisions in it that the Committee on the Public Lands have changed and some provisions I think they had a right to change. There are a few changes yet that I would like to make if I had the power. The House Committee on the Public Lands reported a bill here, and I think in the main it is a good bill. There are a few little amendments I hope we will adjust as we go along and improve upon. But in the main this bill in all things conserves the interests of the Government. It makes it possible to settle up a mass of complicated litigation over which the courts have been scrambling for a number of years and really brings settled conditions out of chaotic conditions in the West. It should be passed soon. It is what is desired by the department. It is desirable all around. It provides for a royalty to the Government on these minerals. Heretofore the Government has received nothing.

The Nation is yet rich in natural resources. It is not impoverished at all. For example, we have between 600,000,000 and 700,000,000 acres of public lands yet the property of the Government; we have about 70,000,000 acres of coal lands yet the property of the Government; we have about 6,000,000 acres of oil lands still the property of the Government; we have 165,000,000 acres of forest reserves still the property of the Government; and some two or three million acres of phosphate land producing phosphate to improve the impoverished soils of the Government are still the property of the Government. And this proposed law makes possible the use, the development, and conservation of those great resources.

The great and boundless West is entitled to something in connection with this. They are entitled to have this bill considered and have it passed. The entire country is entitled to have it passed. Under the old law the Government gets nothing by way of royalties. Under the old law there is no limit as to the amount of land the claimant can get. Under the old law fraud and disturbance and disgraceful conditions have prevailed. This proposed bill, if passed, will put it on a decent, fair basis, so that the States can be developed, so that the Government may collect a royalty, and so men may proceed in an orderly manner under a contract, so that men may know what their rights are and not have them swept away by withdrawal orders, changed rulings, and other changes in policy which the poor prospector can neither fathom nor understand. The claimants and the Government are both entitled to this much.

Mr. RICKETTS. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. RICKETTS. The gentleman stated that we have 7,000,000 acres of oil lands——

Mr. FERRIS. About 6,000,000 acres.

Mr. RICKETTS. Now, is the purpose of this bill to give to the Department of the Interior the right to lease all the land the Government has without any reservation at all?

Mr. FERRIS. They have the power to divide this up into leasing areas of not more than 2,560 acres, and the Secretary of the Interior has the power to grant a permit to the several oil applicants or developers, and when they strike the oil they then have the right to convert that preliminary permit into a lease and go on and mine the oil. Of course there is oil reserved as naval reserves that this law does not apply to. In all cases the Government has the whip hand. There is no instance where the Government's hands are tied. There is no maximum royalty. The sky is the limit.

Mr. RICKETTS. What royalty is fixed in the bill, if you please?

Mr. FERRIS. The minimum royalty is one-eighth, or 12½ per cent, and if the House stands by the committee there will be no maximum. In other words, they can get as much beyond that as they like. In the Senate bill they had a minimum of 12½ per cent and a maximum of 25 per cent beyond which they can not go. I think the House committee very properly struck out the maximum, so that the Secretary of the Interior, or the Government, can get as much as the facts in a given case would warrant. I do not state this with the purpose of inviting the Interior Department to practice extortion on the claimants, but I do not want to tie the Government's hands.

Mr. HULINGS. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Pennsylvania.

Mr. HULINGS. The permittee can get 2,560 acres?

Mr. FERRIS. Yes. In wildcat territory. That seems to be the correct area. That is the view of the Interior Department, Geological Survey, and all experts.

Mr. HULINGS. Where he can develop——

Mr. FERRIS. Yes; make investigations and develop.

Mr. HULINGS. Now, how many such tracts can he take up?

Mr. FERRIS. The gentleman is probably better in mathematics than I am. It is estimated there are about 6,000,000 acres, and these tracts are 2,560 acres, if they are full, although many may be less than that acreage, as that is the maximum area.

Mr. HULINGS. Could one man take them all up?

Mr. FERRIS. Oh, no.

Mr. HULINGS. Is he confined to 2,560 acres?

Mr. FERRIS. He is in a given field and can not take more than three leases in the entire State.

Mr. SNELL. Is not one of the principal reasons for passing this legislation to settle up a large amount of litigation that is going on at the present time?

Mr. FERRIS. That is true as to section 18. It is the relief section of the bill. It is to straighten tangles that exist by reason of the change from a patenting system to a lease system.

Mr. SNELL. And there is no question but what the Government's interests are amply protected by this bill?

Mr. FERRIS. I think they are. There may be instances where the House may wish to amend it and change it, and I may offer one or two slight amendments myself. But in the main I feel sure every member of the committee has done his full duty, in the main the Senate of the United States has striven hard for a good bill, and in the main there is no selfishness or greed or caprice or fraud or overreaching of any kind in this legislation.

The gentleman from Oregon [Mr. SINNOTT] is entitled to the very greatest credit. He spent nights and nights and nights, and tedious nights they were, in the most thorough investigation in connection with this bill. The gentleman has always been active on the committee, but this year he has assumed the responsibility of the chairmanship with all the term implies, and is really the best chairman the committee has ever had. [Applause.]

Mr. KELLER. The gentleman who spoke previously mentioned the fact that we are now consuming more than our production. He says we ought to lease more land so that we can produce more oil. It seems to me that is a reason why we ought to conserve it and buy oil outside, all that we can get, and save this for later years.

Mr. FERRIS. Who stated that?

Mr. KELLER. The gentleman from Oregon.

Mr. FERRIS. The gentleman may have some figures on that that I do not have. I do not think that is the case. In any event, that would vary as the days go by, as new fields are being opened up all the time.

Mr. KELLER. Does not the gentleman think we ought to conserve the oil under those conditions for later years?

Mr. FERRIS. Every week and every month in the year new fields are being opened, for example, in my own State. And this bill has no application to my State, for we have no public lands there, and I am not personally interested in it in any way, or vitally interested, because my people are not interested, unless propositions are put in here which are general in character.

Mr. KELLER. The gentleman ought to be interested in the whole proposition.

Mr. FERRIS. I am. I am getting to the point where I can answer the gentleman. They are opening new fields all the time, and they are bringing in new production all the time, and no one would be able to say, I think, that we were using more or less oil at any time than we are producing. On the contrary, steamers are carrying oil every day across the sea, helping to supply the European market, and steamers are being used for that purpose.

Mr. KELLER. Does not the gentleman think we ought to conserve it now in the interest of the Government?

Mr. FERRIS. There are different ways of conserving oil.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. It is not always possible to conserve the oil in the ground. Of course, the oil fields are a great deal like a checkerboard. Here is a private holding by the Southern Pacific Railroad or some one else. Here is Government land beside it. If the Government does not proceed with its development, the land is drained by an adjoining owner, and the Government loses everything. The gentleman will recall that several years ago the Congress of the United States gave to the Southern Pacific Railroad and the Union Pacific Railroad grants of alternate sections of land, so that the railways now own alternate sections, and the Government should always be on the alert lest its oil holdings between those sections should be drained. There may be some areas that should be reserved.

Some years ago ex-President Taft withdrew some large areas for a naval reserve. Those, as far as possible, are being conserved within the ground. Why? Because the bulk of this oil is in areas where there is not so much private ownership. But where the land owned by the Government lies side by side with land privately owned, the Congress can not conserve the oil in the private lands, and therefore it is impossible to conserve it in the public lands adjoining them.

There are many things to consider in connection with this great estate. It deserves care, caution, and study by every Member. Your Committee on Public Lands for eight years has been working on this. Your Interior Department has been working on it. Your Geological Survey has been working on it. Your Department of Justice has been working on it. The press has been active. Every line, yes, every section, has been scrutinized by lawyer and layman; by those in and out of Congress; by experts and those who feel they are experts. The law is so much better than existing law that if there be an occasional error the Congress will still be here, probably a better Congress than this one. In any event they, as we, will have done their best. We should now go forward; we should act; we should act now. I am proud of the committee. I am proud of Secretary Lane. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. SINNOTT. Mr. Chairman, I now yield my 10 minutes to the gentleman from California [Mr. RAKER].

Mr. FERRIS. And I yield 30 minutes to him, if the gentleman still insists on it. We hope the gentleman will send something back.

The CHAIRMAN. The gentleman from California is recognized for 40 minutes.

Mr. RAKER. Mr. Chairman, I thank the gentlemen for their courtesy. I ask unanimous consent that I may revise and extend my remarks.

The CHAIRMAN. Without objection, the gentleman will have that privilege.

There was no objection.

Mr. RAKER. Mr. Chairman and gentlemen of the House, I think it is but fair that I should recite a few facts relative to this legislation. As a member of the Committee on the Public Lands for some eight years and more, I have been participating in the committee's work upon this legislation. I have assisted in reporting the bill out of the committee three times and assisted in passing it through the House. The Senate bill passed twice, and I was on the conference committee for some six months last year, when the conferees finally agreed, and their report was adopted by the House. Then there was an objection made on the ground that there was some particular wording in regard to Alaska. We put "outside of Alaska" in the bill, and the committee struck it out and objection was made, and again a conference was had, and it was agreed upon.

I want to say, generally speaking, that I have been in favor of this legislation. I have given every consideration that a Member of the House could give to the proper adjustment of the mineral-land laws as they related to these methods, and when the conferees agreed, their agreement carried out, generally speaking, the judgment of those who had given a great deal of consideration to this particular legislation.

When the Congress convened in special session bills were introduced in the House by the distinguished ex-chairman of the committee [Mr. FERRIS], the gentleman from Oregon [Mr. SINNOTT], the gentleman from Colorado [Mr. TAYLOR], and myself; bills with little difference from the conference report. In the Senate was introduced the bill S. 2775, and reported out, and it passed the Senate with but slight modification, except on the question of making it an entirely leasing bill without any right of ownership as compared with the conference report, and with the addition of a section as to the right of alien ownership, and authorizing the leasing not only of the minerals, which the former bill had provided for, and that exclusively without the surface of the land, but only the mineral deposits, nothing more and nothing less, with the authorization of the Secretary of the Interior to lease the surface when necessary. The Senate bill added "and mineral lands and lands containing such minerals," and, of course, that carried the mineral lands of this character described in the bill as well as the minerals. The Senate placed on the bill sections 40 and 41 and changed the section relating to the disposition of the proceeds.

That bill came before the House Committee on the Public Lands and was considered. The committee amended it, to my mind, as to the general leasing feature and added some splendid amendments to it, and made it more workable and better for the Government, and thus better for the operators, locators, and applicants, because they might know just exactly where their rights were.

With the exception of the alien-ownership feature, the question of the distribution of the funds, and the question of sections 40 and 41, known as the Harris amendment, and the disposition of the public funds, which is changed now from the bill reported three times from the committee to the House and which passed the House and was adopted twice in conference reports, the committee report is now an entire change in the disposition of the money coming from the sale of these lands and minerals, upon which I can not concur.

The rest of the bill, I believe, provides a good way to dispose of the public mineral lands. While it has been asserted—I do not believe that assertion is founded upon all the facts—that the mineral laws were not applicable to the disposition of the mineral lands, of course there have been some valuable oil deposits discovered on worthless lands, and then some desired to obtain the lands, and it became a contest between private individuals, and then a contest between the Government and private individual claimants, that the claim did not comply with every particular letter of the law. That, then, brought about the question of whether or not we would go from the right to dispose of the land to the individual, title in fee, or whether we would have a leasing system.

Now, that is practically all there is in this bill. As to the question of getting revenue for the Government, there is practically no more provision here to obtain revenue to the National Government, so far as the National Government is concerned, than there is under the laws as they exist at the present time.

Now, here is a peculiar thing—and I do not say it for the purpose of criticism, but I think I ought to refer to it. I have here a "confidential" print of the Committee on Public Lands. That means "confidential" to the committee and to the House for their use. In that print the committee amended the Senate bill, and as you make all reports, those amendments ought to have been specified in the report, to the end that the House might act upon each amendment individually and see whether or not they should be adopted or rejected. After the bill was gone through with, at the last end, the committee, in their wisdom and judgment—by a majority, of course, always—said, "Now, we will strike out all after the enacting clause and put in this substitute." Now, that avoided an affirmative vote upon the committee amendment and put it in as a substitute, and now you have the same thing back. A man has to offer an amendment and get an affirmative vote on it, whereas before each amendment that the committee put in, or each amendment by which they struck out anything, required an affirmative vote from the floor of the House, or the committee, before it could become a part of the bill.

Then the rule came in, and until the question was asked, the rule said that we could only discuss the provisions of the substitute and not of the bill. Of course, it does not affect the merits, but it makes its status in the House somewhat complicated and a little difficult to anyone who might be opposed to any of the amendments or who desired to place an amendment in the bill. I take the stand that where you have a larger number of votes everything helps to pass the thing along nicely. I want the committee to understand distinctly that I am not opposed to this legislation, but have been a strong proponent of it; but there are amendments that ought to be placed upon this bill, and in my feeble way I will try to present those amendments to the committee.

The committee can see by comparing the bill that section after section of the substitute is identical with the Senate bill, without the change of the crossing of a "t" or the dotting of an "i," but we have substituted the whole thing.

The first amendment is on the question of leasing the mineral deposits and the land, which I think is all right. I think we

ought to lease the minerals and the land containing such minerals.

The first amendment placed on the bill in the Senate is—

Provided, That no alien shall, by stock ownership or otherwise, own any interest in a lease acquired under the provisions of this act, except with a specific provision in such lease authorizing the President, in his discretion, to take over and operate such lease, paying just compensation to the owner for the use of tools, appliances, machinery, and products; or to acquire at the market price all or any portion of the products of such leased property: *And provided further*, That the Secretary of the Interior may require the sale for consumption in the United States of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise, and all certificates for stock hereafter issued in any corporation having such a lease shall specifically and clearly show this provision on the face thereof.

The House committee struck out that provision and added a provision never enacted in any of the laws that I have been able to run across. That provision is this:

Provided further, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

I wanted to call the attention of the House to the fact that up to the present time, in all our legislation with reference to the public lands, we have never permitted alien ownership of our lands or minerals of any character in the first instance. Of course transfers can be made afterward.

Mr. SINNOTT. What does the gentleman mean by "in the first instance"?

Mr. RAKER. No alien can obtain or acquire ownership in the public domain of the United States as the law now stands.

Mr. SINNOTT. They can by virtue of corporate stock ownership.

Mr. RAKER. No; they can not.

Mr. SINNOTT. I call the gentleman's attention——

Mr. RAKER. I have the authority here.

Mr. SINNOTT. The gentleman's attention was called to the fact, and the specific statute was read to him.

Mr. RAKER. I have that here, and I still say that is not the law and never has been, and it ought never to be.

Mr. VAILE. Will the gentleman yield further?

Mr. RAKER. Yes.

Mr. VAILE. Does not the law regarding mining locations provide that the privilege of such location shall be granted to citizens of the United States or to those who have declared their intention to become such?

Mr. RAKER. I think not. I think it is limited to citizens——

Mr. VAILE. And those who have declared their intention to become such?

Mr. RAKER. I think not.

Mr. VAILE. I think the gentleman will find he is misinformed.

Mr. RAKER. That may be so. I happen to be unfortunate in not having my book before me.

Mr. SINNOTT. If the gentleman will permit an interruption there——

Mr. RAKER. I yield to the gentleman from Oregon.

Mr. SINNOTT. I call his attention to the statute which permits alien stock ownership at the present time.

Mr. RAKER. I yield for a question.

Mr. SINNOTT. This matter was submitted to Judge Finney, of the board of appeals, and he writes me as follows—and it is on the other matter that the gentleman is contending that no alien corporation could get any ownership——

Mr. RAKER. I do still contend that.

Mr. SINNOTT. Judge Finney writes me as follows:

The section of the Revised Statutes which shows that corporations are entitled to locate and enter mining claims is section 2321. The Supreme Court of the United States in McKinley *v.* Wheeler (130 U. S., 630) squarely held that a corporation organized under the laws of one of the States is competent to locate or join in the location of a mining claim on the public lands. The ruling of the department that a domestic corporation whose stockholders may be largely aliens is nevertheless entitled to acquire title to mining land is found in 28 L. D., 178.

Mr. RAKER. Exactly. I have that same memorandum in my hand and I remember when it was presented to the committee, and I still say, without fear of successful contradiction, that no alien or alien corporation under any of the public-land laws up to the present time, mineral or otherwise, is permitted to acquire ownership in the public domain of the United States.

Now, there is an instance, and it has been used to some extent, where a man who had filed his first papers as a declarant could file on a homestead, but he never could make his final proof or receive his patent until his final papers had been issued and he was a citizen of the United States.

Mr. SINNOTT. Will the gentleman yield there for a brief question?

Mr. RAKER. I will.

Mr. SINNOTT. So that the matter may be cleared up?

Mr. RAKER. Surely.

Mr. SINNOTT. Of course, the gentleman is not contending that aliens are permitted to lease under this bill, is he?

Mr. RAKER. Oh, no.

Mr. SINNOTT. That matter is clear, that only a citizen of the United States may secure a lease.

Mr. RAKER. Or a corporation.

Mr. SINNOTT. I do not want the House to be befuddled on that.

Mr. RAKER. No. They will not be befuddled when I make my statement on it. Now, this provision in the Senate bill prohibited aliens acquiring large interests, say 95 per cent of all the leaseholding interests in the oil of this country, as it stands to-day. This Senate provision prohibited and does prohibit aliens acquiring this stock ownership and authorizing the Secretary of the Interior to require the certificate of stock to show these matters and keep this oil in the country.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINNOTT. Did I understand the gentleman to say that the Senate provision prohibited an alien from acquiring stock?

Mr. RAKER. No. I said no alien shall by stock ownership or otherwise acquire any interest in oil except under the specific provision in the oil lease authorizing the President, in his discretion, to take over and operate such lands.

Mr. SINNOTT. That provision is that they may under the Senate bill acquire such interest.

Mr. RAKER. Sure; but that prohibits and prevents exportation of the oil. If a man wants to come and participate in this country in the development of oil, extracting the oil from the bowels of the earth, he ought not to be permitted, under the circumstances of the oil situation, to obtain at least 95 or 98 per cent of the oil for the use in this country to be leased under this bill and then transport the oil somewhere else.

Mr. SINNOTT. Will the gentleman further yield?

Mr. RAKER. Yes.

Mr. SINNOTT. I understood the gentleman to convey the impression to the House that the Senate provision prohibited the transportation of oil from this country?

Mr. RAKER. No; it does not; it puts it in the discretion of the President——

Mr. SINNOTT. The matter rests with the President, and until the President acts, until he puts an embargo, or until the Secretary of the Interior directs that the oil shall be consumed in this country, it may be transported abroad?

Mr. RAKER. That is in the provision, and it gives us the protection we ought to have.

Now, in addition to what I have said, under the public-land laws a lease of one claim, or one claim only, can be obtained by a domestic corporation. That is the only instance where they can obtain title to public land. As the law now stands to-day, that must be a domestic corporation. In a land decision they held that the stockholders might be aliens, but not directors, and only in one instance could a corporation obtain a title.

What does this bill do? This bill opens up to corporations in this country every bit of the oil land undeveloped, every bit of phosphate land, every bit of sodium land in this country to-day. So we have gone beyond the limit.

Mr. ELSTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. ELSTON. In regard to the restrictions of alien stockholders in corporations in America getting an interest in oil land, that restriction the gentleman speaks of refers only to the initial application by the corporation. After the corporation acquires the right any alien can purchase any stock he pleases. Is not that true?

Mr. RAKER. I am discussing—and I will make it plain—that corporations can not obtain title to public domain, domestic or otherwise, save and except in one instance, where they can obtain one claim of coal land. No alien up to the present time has ever been able to acquire public domain; but when the title in fee has been transferred to an individual, there is no law or restriction that he can not sell it to an alien. He sells it to anybody that he pleases.

Mr. ELSTON. After the initial claim has been patented, aliens can buy if they please?

Mr. RAKER. Everybody knows that there is no restriction on alienage when a man gets a title in fee. But I am talking about the public domain; I am talking about the Government changing its entire policy and authorizing corporations, 95 or 98 per cent of whom may be aliens, obtaining title under this bill. There is no question about it, no use in denying it. You can organize a corporation of three citizens and 97 aliens and

acquire oil lands under this bill. The Senate provision stepped in and said that if the stockholders were aliens the President could say, "I will take it over and you can not transport it." It ought to be so.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Is it the gentleman's contention that the provisions of the House amendment would permit a corporation 98 per cent of which was alien, Japanese aliens, to acquire some valuable mineral, oil, or phosphate lands in California?

Mr. RAKER. Sure. It will do this: Three American citizens in California and the rest Japanese or Chinese can form a corporation and obtain leases on these lands, where they could not do it now.

Mr. WALSH. In the initial instance?

Mr. RAKER. In the first instance; and obtain Government lease. Let us make that plain. If this bill obtains, they can absorb practically all of the oil interests of this country, because there is no limitation upon the title that the corporation may hold or who shall be its stockholders.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Having acquired the fee, is there any statute of the State of California that would prohibit them from transferring it to other aliens?

Mr. RAKER. I do not quite understand the gentleman's question.

Mr. WALSH. Having acquired the fee to this land—such a corporation as the gentleman describes—is there any local law of the State of California which would prohibit it from conveying that fee to other aliens in that State?

Mr. RAKER. It is my impression that the present alien land-ownership law in California would prohibit that transfer.

Mr. WALSH. But there is no Federal statute to that effect?

Mr. RAKER. No.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield? No lease can be transferred under this act without the consent of the Secretary of the Interior.

Mr. RAKER. But the gentleman did not say anything about a lease. I am answering questions and not assuming something.

Mr. BARBOUR, Mr. SINNOTT, and Mr. TAYLOR of Colorado rose.

Mr. RAKER. Oh, just a minute; one at a time. I yield to my colleague from California first and then I will yield to the other gentlemen.

Mr. BARBOUR. The question I was about to ask has probbaly been answered by the information brought out by the gentleman from Massachusetts [Mr. WALSH]—that is, as to the restrictions, under the California alien land law, on Japanese owning and leasing lands in that State. I think the answer of the gentleman from California to the gentleman from Massachusetts threw some light on that.

Mr. RAKER. The gentleman agrees with me?

Mr. BARBOUR. Under the alien land law of California, as I understand it, a corporation composed of 97 per cent, as I understand the percentage to be, of Japanese could not take title to land in that State; and, furthermore, they could not take a lease under the alien land laws for more than three years.

Mr. RAKER. But that was not the gentleman's question as he put it to me. He stated it when the corporation obtained the title.

Mr. TAYLOR of Colorado. In fee.

Mr. RAKER. Which was an American corporation, although all of the stockholders except three and all the directors of which except three were aliens—whether that corporation could transfer its title to other aliens.

Mr. BARBOUR. Under the California alien land law they could not transfer to Japanese, though they might to English or French.

Mr. RAKER. They can not if they are individuals, but this is a corporation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Is it the gentleman's contention that under the House amendment a corporation composed of 98 per cent of aliens can acquire fee to this land?

Mr. RAKER. No; they can not acquire the fee.

Mr. WALSH. Then what is the danger?

Mr. RAKER. They get the right to the lease, and can dispose of its products and send the oil where they please.

Mr. WALSH. But they can acquire the lease?

Mr. RAKER. They can acquire the lease. That is the point. Having a lease of the land, all of our phosphate, all of our sodium, all of our borax, all of our oil, all of our coal, 95 per cent of them being aliens, they could, under the bill without any restrictions send it abroad if they wanted to; and why should there not be some control placed upon that if there is alien ownership in the lease—I mean under the stock ownership—and that this provision of the Senate bill should remain in the bill instead of the House provision?

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINNOTT. The gentleman speaks about this corporation being composed of Japanese and Chinese. I do not know but what the question I have in mind has already been answered by the gentleman's colleague [Mr. BARBOUR], but the question I want to ask is whether or not the laws of California permit such a corporation to be organized, to become a citizen of the State, with a majority ownership in these aliens?

Mr. RAKER. My recollection is, and my understanding is now—and I want to appeal to my colleague from California [Mr. BARBOUR] to that effect—that that is the one imperfection in the alien land law of California to-day, that a corporation of Japanese aliens can acquire title to lands in California, and we have been trying to amend that act. There was a provision of that kind up last year, but telegrams were sent from somewhere to somewhere and the bill was withdrawn, but 99 per cent of the people of California are anxious to amend that law.

Mr. SINNOTT. Is such a corporation organized under the laws of the State of California with a majority of stockholders aliens under that law a citizen of the State of California?

Mr. RAKER. My recollection is that it is.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; for a question.

Mr. BARBOUR. My recollection of the alien land law is that any corporation the majority of the stock of which is held by aliens who can not become citizens—in other words, Japanese, for that is what is meant—can not acquire title to land in the State of California, nor can it acquire a lease for a longer peried than for three years.

Mr. RAKER. They are acquiring it, but just under what technicality at this time I would not like to state.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. ELSTON. As a matter of fact, under the Senate provision, which the gentleman seems to prefer, corporations having 90 per cent of alien control of stock ownership can acquire a lease?

Mr. RAKER. Yes.

Mr. ELSTON. The only restriction on such a corporation obtaining a lease under this act is that it subjects itself to the possibility of an embargo, if the President decides to lay it, upon the exportation of their products. Is not that true?

Mr. RAKER. Yes.

Mr. CARTER. Is that in the House bill?

Mr. ELSTON. No; that is in the Senate draft. It permits the alien ownership the gentleman speaks of, except that it provides that the President, under certain conditions, may lay an embargo upon the product. I will ask the gentleman this:

The House provision provides the same thing, except a reciprocal arrangement by which any foreign country, where Americans are permitted to the full extent in the way of production, the same privilege shall be granted to the nationals of those countries in this country. There is reserved always the right to Congress, on the representation of the President, to lay an embargo on exports at any time, which can be invoked in case of an emergency.

Mr. RAKER. I have called the attention of the committee to the House provision of the bill; but after you have acquired 90 per cent of all the oil lands in the country, stock ownership of which is alien, those leases run practically ad libitum, ad infinitum, forever, if they comply with the rules and regulations.

Mr. CARTER. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CARTER. The gentleman contends here that the Senate bill does one thing and the House bill another, and there seems to be some confusion about it. Can the gentleman give the committee the section involved?

Mr. RAKER. I have read both of them, and they are in my remarks.

Mr. CARTER. What are the numbers of the sections?

Mr. RAKER. Section 1 of the Senate bill and section 1 of the substitute House bill, and the House provision is found on page 39 of the substitute. Here is what I am getting at. It says:

That citizens of another country the laws, customs, or regulations of which deny—

And so forth. In other words, we can not legislate for our own people; we can not legislate for ourselves; we can not legislate to protect our own oils, our own phosphates, and our own coal; but we have to wait and depend upon whether another country shall permit like ownership. There is not any reason, there is not any justice, in it; and while the Senate provision does not go as far as I would like it to go, there ought not to be any lease where there is any stock ownership——

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. In a moment when I finish this—stock ownership of aliens in our natural resources such as oil, coal, phosphates, and sodium. I will yield.

Mr. WALSH. Do I understand that the gentleman concedes that the statement of his colleague from California [Mr. ELSTON] is correct?

Mr. RAKER. Part of it, but he did not get clear through.

Mr. WALSH. The gentleman is in favor of that? Is the gentleman in favor of the plan which is authorized under his interpretation of the Senate bill?

Mr. RAKER. In reference to imposing an embargo——

Mr. WALSH. Permitting these aliens to hold these leases?

Mr. RAKER. Why, no; but I can not get any more.

Mr. WALSH. The gentleman is going to offer some amendments, I understand.

Mr. RAKER. I know, but I will have to take the best I can get in this House. It has been offered repeatedly and I failed several times in the committee in getting a majority vote to prohibit alien stock ownership as is the California law and as it ought to be.

Mr. WALSH. But the gentleman can offer an amendment to the House substitute to cover what he desires?

Mr. RAKER. I can do a good many things, but I see it would be foolish and useless, because I know beforehand how much good that does. No matter how good or just the proposition may be you can get nowhere unless you have the votes. Is not that right? [Laughter.]

Mr. WALSH. If the gentleman is correct in his interpretation of these two measures, and has sound reason for denouncing their provisions in the vigorous manner in which he has done, I submit that he ought to try to remedy it in the committee and suggest some restrictions that he would like to see placed in it.

Mr. RAKER. I will say to my colleague from Massachusetts I have fully presented that matter, and again repeat that I did not have the votes.

Mr. WALSH. The gentleman has not repeated it here, nobody knows——

Mr. RAKER. I did not get the votes in the committee and I would not get them upon the floor of the House, and I am going to take as much as I can get and hope that the Senate amendment will be adopted.

Mr. WALSH. But this is a different membership that the gentleman is trying to operate upon than the one he had before, and if the gentleman will only submit the remedy it should receive some consideration.

Mr. RAKER. I want to say to the gentleman in reference to its being a different membership, I think the gentleman will observe that the House too often follows the committee reporting the bill.

Mr. WALSH. That might be because somebody was a little fearful the gentleman's persuasive eloquence might succeed in disintegrating this bill that has been offered.

Mr. RAKER. It is very delightful for the gentleman to say that.

Mr. WALSH. But I would like to hear the gentleman's proposition as to how he would cure the manifest impropriety which is contained in both propositions of permitting aliens to control these lands.

Mr. RAKER. I can tell the gentleman——

Mr. WALSH. I would like to hear the gentleman.

Mr. RAKER. It can be done by an amendment here prohibiting leases to aliens. It can be done by prohibiting leases to aliens that have any stock ownership belonging or owned by aliens, and though this bill changes the fundamental principle of our public-land laws, we still can put a provision in here that if any stock ownership is held by aliens that within so many months the Attorney General shall commence an action to forfeit the stock to the United States Government just like we have done in a dozen bills that have been passed here in regard to title going to certain parties or individuals, that after they were held a certain length of time that they should be forfeited to the United States.

Mr. WALSH. Is the gentleman of the opinion that this important public interest has reached such a stage that it can not be developed unless we pass legislation to permit aliens to come in and acquire leases or ownership?

Mr. RAKER. No. Let me tell the gentleman something——

Mr. WALSH. Yes; I will.

Mr. RAKER. All right, sir; does the gentleman know—I do not like to state what occurred before the committee—no; I am going to withdraw that; I am not going to state that.

Mr. WALSH. I am very sorry I am not going to be told.

Mr. RAKER. The gentleman will not be told, because under the rules of the House a man can not tell what occurs in a committee; that is all.

Mr. BLANTON. Will the gentleman from California yield?

Mr. RAKER. Not just at this time.

That is enough for that. I am going on to the other two matters—on the question of sections 40 and 41 of the Senate bill. Section 40 of the Senate bill reads as follows. Now, I want to get this to the House:

SEC. 40. That section 7 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is hereby amended by adding thereto the following paragraph:

"No stockholder of any corporation or any association engaged in commerce and producing or refining petroleum, or any of the by-products thereof, shall acquire or control, directly or indirectly, the whole or any part of the stock or other share capital of any other corporation or association so engaged, when both of such corporations or associations have been created or formed in compliance with a decree or judgment of dissolution issued by a court of competent jurisdiction, or in avoidance of a prosecution previously initiated under the provisions of this act or the antitrust laws. Any person who shall violate the provisions of this section shall be punished by a fine of not less than $1,000 and by imprisonment for not less than six months."

That is known as the Harris amendment to the Senate bill, for the purpose of relieving the unjust and illegal conditions now existing in regard to the handling and disposition of the products of oil, to prevent this disintegrated corporation that was dissolved by the United States Supreme Court from owning and controlling and practically dominating the oil markets of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. The 40 minutes?

The CHAIRMAN. Yes, sir.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may have read to the House a letter from Senator HARRIS on this question.

The CHAIRMAN. The time has been fixed by the rule, and is in control of the gentleman from Oregon [Mr. SINNOTT] and the gentleman from Oklahoma [Mr. FERRIS], and the Chair has no jurisdiction. The gentleman from Oregon is recognized.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, in one aspect all of the mineral lands of the United States are either withdrawn lands or unwithdrawn lands. As to the present right of anyone to go on the unwithdrawn lands, it is practically unlimited. A man can go on and aggregate his claims to an almost unlimited extent, and when he discovers mineral he is entitled to a patent on the whole thing. As to withdrawn lands, except as to those who went on the lands prior to withdrawal, he can do nothing. We have had a relation here by the chairman as to how much the withdrawn lands amount to. Those withdrawn lands are supposed to contain minerals. Nobody knows whether they do or not. Take the 6,000,000 acres of supposed oil lands; not more than 50,000 acres, approximately, have ever been shown to contain any oil, so that practically 6,000,000 acres still remain of wildcat territory. We are not permitting anybody under this act to go out and explore or exploit any public domain containing known riches. We are giving an opportunity to our own citizens to explore over 5,000,000 acres of possible oil territory which nobody can positively say contains oil. We are sending them out to risk failure, because the statistics show that 90 per cent of the men who sink wells in wildcat territory lose their money. All we are doing in this withdrawn area in regard to oil is to say, "Go forth and find, and if you find you can not do what you can do now—take the whole thing. If you find, we, representing the Government, will take one-eighth of the whole production and anything more that we desire." One-eighth I take as the ordinary commercial royalty. That is the minimum royalty the Government may take; as to maximum royalty the sky is the limit. You are permitting them to go out into the Government domain and find out whether there is value, and if they find it the Government gets the "velvet."

The House committee has struck from the Senate bill a feature which might be objectionable to the House. The Senate bill says, "Go forth and find, and the royalty which the Government will exact will be not less than one-eighth and not more than one-fourth." We have struck out the maximum, leaving the minimum not less than one-eighth, and the maxi-

mum may be as high as the traffic will bear. The Government can take the whole thing if it chooses.

I want to bring this fact before the House, that the first time in the history of conservation legislation we have now a pure leasing bill. As to all these millions and millions of acres of the public domain, no patent under the act is given to a single individual. The absolute ownership is always in the Government and the Government receives its royalty. That, in the main, is the administrative feature which the Government has adopted with regard to mineral deposits. I spoke before as to certain withdrawn areas and certain claimants having been on those withdrawn areas in full enjoyment of their rights at the time the withdrawals were made. It has been recognized by the Government that those claimants had a perfect right to go on the land; that they were in lawful prosecutions of discoveries at the time the withdrawals were made; that in some instances they have made discoveries. When these withdrawals were made they were advised by counsel that the withdrawals were illegal. Several district courts in the West decided in their favor, which fortified their course with regard to spending millions and millions of dollars in the prosecution of the work. Finally the matter got up to the Supreme Court, and it was held that the withdrawals were valid. Thereupon these claimants were placed in a position where they had spent millions of dollars, produced a great deal of oil after an immense amount of work, and found themselves involved in litigation with the Government.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ELSTON. Will the gentleman give me two minutes more?

Mr. SINNOTT. I will yield to the gentleman another minute.

The CHAIRMAN. The gentleman from California is recognized for one minute more.

Mr. ELSTON. The major part of the lands in California are practically out of consideration by reason of favorable decisions rendered in favor of the claimants by the Federal courts.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I regret I can not yield. I have only a minute. The Government in the settlement of the disputed California and Wyoming claims permits the claimants to come in and relinquish their claims, taking one-eighth royalty on all past production and a royalty on all future production limited only by the discretion of the Secretary of the Interior. In the naval reserves this right is limited to the producing wells only, and the remainder of the claim is subject to disposition by the President under such terms as he may prescribe. This is certainly a most favorable settlement for the Government. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman from Colorado [Mr. VAILE] five minutes.

The CHAIRMAN. The gentleman from Colorado is recognized for five minutes.

Mr. VAILE. Mr. Chairman, it has been suggested here several times in this discussion that we are now entering upon a departure from our former policy in relation to the public lands. I want to indicate in a way what that departure is, and I want also to emphasize the point that we entered upon this departure 16 or 18 years ago, along about the beginning of President Roosevelt's administration, and that our entrance upon that departure at that time was the reason why a large part of this country is now forced to be content with a leasing policy and is asking for a leasing bill, instead of for the retention of the former system.

I do not know exactly what the reason was for the policy which prevailed for a very short time after the inception of our Government in connection with the holding of public lands as the absolute property of the Government. At all events that policy was very early abandoned. Possibly the motive for that policy is indicated by a curious report which I find was submitted to the House of Representatives by Mr. Clay, of Alabama, in 1834, from the Committee on the Public Lands, explaining why the public lands were regarded as the property of the Government. In that report he says, speaking of our debts to domestic creditors and to foreign countries:

> The inducements to cessions, held out by Congress to those States having western territory, were to aid in supplying the means of extinguishing the national debt created by the War of the Revolution, and "to promote the harmony of the Union," and "the stability of the general confederacy." On the one hand, it seems to have been considered not only desirable to obtain means of payment but to gain the confidence of the public creditors, by appearing to possess them.

But he argues in this report for a reduction in the price of public lands. It may be instructive to refer back to the very wise words of a wise man some 85 years ago, when he said in this report of his committee to Congress:

> The high price of land inevitably retards the population of a country, and, taken in connection with the want of power to tax it, must postpone the maturity of its resources.

> In the opinion of the committee, it is due to the people of the new States that the existing state of things should be terminated as soon as practicable. It is certainly desirable that every acre of land should, if possible, be rendered productive; and this can never be done till it is in the hands of individual proprietors. Population is emphatically the strength of a State; and to render a people free, prosperous, and happy, they should be the owners of the soil they cultivate.

That doctrine prevailed virtually from the time that report was submitted to Congress, or very soon afterwards, by the adoption of the preemption law of 1841, until the Roosevelt administration. You gentlemen have doubtless read, until the matter seems a commonplace of history, of the tide of immigration which poured West under the stimulus of this doctrine. In the late thirties Federal troops were employed to keep people off the public lands, but finally the plowshare proved more potent than the bayonet. In 1866 that policy, as part of the permanent policy of the Government, was extended to mining claims, allowing the acquisition of title by individuals who entered upon the land and developed it and made it productive.

That policy remained unbroken, as I said, until a few years ago, when, by the system of withdrawal of lands from entry and by harassing the entries which had been made, and by the attempt to cancel not only entries but patents, it became increasingly difficult and finally almost impossible to acquire title to the public lands.

As an instance of this we have the spectacle, now presented, of the mining prospector being regarded almost as a criminal. When he starts to make a location, in a forest reserve, for example, he must conclusively prove that he is innocent or else he is presumed to be attempting to perpetrate a fraud on the Government. I have in my office a number of files representing instances of cancellation of entries made in the best of good faith and followed by hard labor, the investment of considerable capital, and the performance of annual assessments by the locator. In one such case the situation is presented of one who located mining ground as a placer and was refused a patent for the assigned reason that it should have been located as a lode, although on appeal the land office expressed the opinion that, under the evidence, the ground was properly subject to entry as placer ground, but that it did not desire to depart from previous rulings of the department in that respect. No injury could possibly come to the Government from allowing the placer location. A lode location confers greater rights upon the locator than a placer location, and it would seem that the refusal of patent in this case was a highly technical ruling intended to deprive the locator of rights initiated in good faith under the laws of the United States. In recent years and to this day in the oil fields we have presented to us the spectacle of the Government's agent following the oil prospector, who, by his own enterprise or insight or geological skill, has located oil discoveries. The agent represents a Government which has expended no money in drilling holes or making geological investigations, but as soon as the man who has done those things strikes oil the agent of the Government renders a report and immediately thereafter the Government causes all the surrounding land to be withdrawn from entry.

The principle that the United States was a trustee of the public lands, holding the title temporarily for the use and benefit of those who might later convert the property to a beneficial use, at which time the title could be established in those performing such development, has been repeatedly declared and reffirmed by our Supreme Court, and it is based on fundamental conceptions of land ownership which have been a part of the political conscience of English-speaking peoples since the days of the Magna Charta.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Colorado is recognized for one minute more.

Mr. VAILE. If it should be my fortune, gentlemen of the House, to be sent here for a few more terms, I expect to stand before you urging a return to the principle which we have lately disregarded and which we are now abandoning—a return to the individual of the right to secure title to public land.

And I expect that that proposition will then be eagerly and enthusiastically supported by a Congress which will have become convinced by actual experience that a Federal feudalism has no place in our theory of government, that absentee landlordism is not rendered more beneficent because the Government is the landlord, and that the individual thrift and energy which peopled and developed our country from the Alleghenies to the Pacific are best preserved by encouraging individual ownership of land. This was a truth perceived by Mr. Clay and the patriots of his time as far back as 1834. It was the light which guided our footsteps to national great-

ness. It is obscured now by the clouds of national ownership, but I believe that light is only hidden and not extinguished.

Let me, in closing, leave with you this further thought: The lands heretofore acquired under the laws of the United States are not to be regarded as public lands. The lands involved, for instance, in section 18 of this bill, are lands to which title has been established or on which claim of title is made by virtue of locations authorized by our present laws. And I desire to call your attention to the nature of these titles, a point which has now grown hazy to people living in States where public-land questions never existed or have long since gone out of existence, but entirely familiar to people in all of our States known as the "public-land States." For purposes of ownership, the possessory title has practically all the incidents of a fee; it is, indeed, a fee title, subject only to forfeiture or defeasance by abandonment or by failure to perform conditions exacted by the Government for its continuance. These conditions vary according to the nature of the property, but involve improvement and either constant or periodical occupation. For example, a mining claim located under the laws of the United States, as they have heretofore existed, is a freehold. It descends to a man's heirs; it can be sold at execution in settlement of his debts; it can be conveyed, subject, indeed, to certain restrictions, but with practical freedom for all ordinary business purposes. It is important that this point should not be overlooked in dealing with lands embraced within the provisions of the present leasing bill. Do not consider the relief sections of this bill as if you were dealing with Government lands. These claims are not in any sense public lands; they are private lands. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. BARBOUR].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. BARBOUR. Mr. Chairman and gentlemen of the committee, it is my purpose during the time allotted to me to endeavor to tell you something about the conditions that have confronted the oil men of California and Wyoming during the past 10 years, the conditions that this legislation now before the House is intended to relieve.

The history of that situation is in a way bound up with the laws and the decisions of the courts during the past 10 years.

Prior to the year 1897 there had been no law passed by Congress under which a locator could make an entry upon oil land and perfect his claim. In the year 1897 Congress enacted a statute which provided that the locator on oil or gas lands should make his location and his entry and prove up on his land under the provisions of the placer-mining law. This situation continued for a great many years, and thousands of acres of land in the West were located under the placer law. Corners were marked, boundaries were laid out, notices were posted and recorded in the office of the recorder of the county in which the land was situated. The locators built roads on these lands, put up buildings, constructed reservoirs, and brought water in many cases for many miles, sunk their wells, made their discoveries, and were then entitled to their patents. The oil locators during that time, operating under the placer-mining laws, had certain vested rights in their locations so long as they complied with the law. The courts had recognized the doctrine that a bona fide entryman, faithfully and diligently prosecuting the work of development on his claim, had a vested property right in his location.

With that condition existing, and with many thousands of acres entered under the placer-mining laws in the West, suddenly and without any warning or notice whatsoever, on the 27th day of September, 1909, President Taft issued his now famous withdrawal order. This order recited that, in aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, the lands enumerated therein were temporarily withdrawn from all form of entry under mineral or nonmineral public-land laws.

But the withdrawal order contained this saving clause:

> All locations and claims existing and valid on this date may proceed to entry in the usual manner after full investigation and examination.

You can perhaps realize something of the consternation and uncertainty that this order created among the oil men. Immediately the oil locators, who had not fully perfected their claims and had not received patents, sought legal advice; and almost unanimously the lawyers of the West—among them some of the best mining lawyers in the United States—advised these oil men, who had been operating under the placer-mining laws, that they were absolutely safe in proceeding with their work.

While the Supreme Court, in the case of the United States against Midwest Oil Co., later decided that the presidential withdrawal order was binding and effective, the lower Federal courts rendered decisions in accordance with the opinions given to the locators by their attorneys.

District Judge Dooling held, in the suit of the United States against Midway Northern Oil Co., that the power to dispose of the public lands was expressly conferred by the Constitution upon Congress, and that no power was by that instrument conferred upon the President in derogation of the power given to Congress. The circuit court of appeals, in Consolidated Mutual Oil Co. against United States, held that the saving clause in the withdrawal order directly applied to lands held by the locators at the time of the order, and who were at that time in good faith developing the same.

In deciding the case of United States against Midwest Oil Co., the Supreme Court was divided. Justices Day, McKenna, and Van Devanter dissented. Justice McReynolds did not sit. The majority opinion held that, while the decision was not based upon the question as to whether the President originally had the power to withdraw public lands from entry, owing to long-continued practice acquiesced in by Congress, the presumption was raised that the Congress had given its consent to such withdrawals. In the dissenting opinion Justice Day laid down the rule that the Constitution vests in Congress the power to dispose of public lands, and this implies the exclusion of all other power or authority over such lands. Furthermore it was declared that Congress having expressly subjected these lands to the placer-mining laws, and authorized their location, entry, and purchase thereunder, the executive power to withdraw lands in some cases did not attach in this case.

Some of the locators, relying upon the advice of counsel and upon the decisions of the lower courts, proceeded with the work of development. Others, fearing further losses, refrained from proceeding until their legal status could be determined.

In 1910 Congress passed the Pickett Act. The purpose of this legislation was to give statutory authority for withdrawals and to relieve the situation created by former withdrawals. The Pickett Act contained the provision that the rights of any persons who, at the date of any withdrawal previously or thereafter made, were bona fide occupants or claimants of oil or gas bearing lands, and who, at such date, were in diligent prosecution of work leading to discovery, should not be affected by such order so long as such claimants or occupants should continue in the diligent prosecution of such work. Under this legislation the oil men believed that their interests were to be protected, and a feeling of relief went over the oil fields of California and Wyoming.

But relief did not come. The Government filed many suits against operators to compel a forfeiture of their lands. It was alleged that the locators had no rights, that discovery had not been made prior to withdrawal, that work was not being diligently prosecuted at the time of withdrawal, that the claimants did not continue to diligently prosecute the work of development. Injunctions were prayed for and receivers asked. The Government was in the anomalous position of attacking locators for obeying the very order the Government sought to enforce.

Practically all of these cases that have reached a decision have been decided against the Government and in favor of the claimants. The courts have held that the Pickett Act gave a legal status to good-faith claimants who, at the date of the act, were in diligent prosecution of work leading to discovery.

The oil men of California and Wyoming, who are not looters of the public domain, but who are as honest and patriotic American citizens as can anywhere be found, have waited for 10 years for relief from these unwarranted conditions. This legislation will settle their status for all time, will enable the adjustment of litigation now pending, will guarantee vested rights, increase production of oil which is now so badly needed, and for all time end a campaign of interference on the part of the Government. This bill does not grant to the oil men all that they would desire, but it does grant them relief from an intolerable situation, and to such relief they are by every right entitled.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HADLEY having taken the chair as speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and

providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdiction, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. MCCUMBER, and Mr. HITCHCOCK as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

MINING OF COAL, OIL, PHOSPHATE, ETC.

The committee resumed its session.

Mr. TAYLOR of Colorado. I yield four minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I feel somewhat humiliated that we should be compelled to become practically inarticulate upon a bill of this importance. We spent three days discussing the budget bill that everybody agreed to. We took up the time in political discussions, comments, criticisms upon public men, and now we devote to this most important measure a miserable two hours. [Applause.] Yet this bill amends the Senate bill out of existence. Let me read the title: "To promote the mining of coal, phosphate, oil, gas, and sodium on the public domain." It might better be called a bill to surrender the coal, phosphate, oil, gas, and sodium on the public domain to the Coal Trust and the Standard Oil Co. If you want the proof of that, look at sections 40 and 41, which were aimed at those trusts, and which you have cut out of the bill.

Section 40 prevents interlocking or community ownership in more than one of the corporate units into which a trust has been broken up by a court judgment of dissolution or where the trust has been dissolved to avoid prosecution. This is a highly commendable provision in the Senate bill. Please tell us why it has been omitted in the House substitute?

Section 41 regulates and controls the price of petroleum or any by-product thereof. It is aimed to prevent the Standard Oil subsidiary companies from discriminating against consumers in different sections of the country. I would like to have the committee explain why they have eliminated from the bill that very obvious safeguard. If the Senate language was deemed inadequate, why was not the language amended and the idea preserved?

Why should the United States Government give up its rights in oil or in coal to private ownership at all? If the leases would go to individual citizens for honest development and competition, I would not object, but you know where those rights will go. The oil rights are going to be taken up by the Standard Oil Co. and the coal rights will go to a few men who have brought about a condition in this country in which we are almost faced with revolution. The Coal Trust and the Oil Trust are largely responsible for the conditions which prevail in this country to-day. Yet here we are surrendering our rights to them, with hardly a protest. Your committee comes in, practically unanimous. No time is given to the other side. Is there any other side in this House?

Mr. SINNOTT. Will the gentleman yield for a question?

Mr. GRIFFIN. Yes.

Mr. SINNOTT. Does not the gentleman know that no coal company can get more than one lease in a State under this bill? That being so, why does the gentleman say that we are surrendering the coal lands to the Coal Trust?

Mr. GRIFFIN. Does not the gentleman know that the Standard Oil Co. is permitted to have only one corporation, but that since its dissolution by the courts it has divided up into a score of corporations?

Here are a few of them, showing their capitalization and the amounts of their surplus.

Standard Oil subsidiaries.

Leading companies.	Capital.	Surplus.
Atlantic Refining	$5,000,000	$50,952,881
Ohio Oil	15,000,000	63,839,643
Prairie Oil & Gas	18,000,000	70,433,441
Solar Refining	2,000,000	3,861,455
Standard Oil of Indiana	30,000,000	87,509,405
Standard Oil of Kansas	2,000,000	4,295,553
Standard Oil of New Jersey (common)	98,338,382	468,712,409
Standard Oil of New York	75,000,000	110,028,634
Standard Oil of Ohio	7,000,000	12,507,184
Vacuum Oil	15,000,000	43,546,799

This will give some idea of the stock dividend possibilities of these companies. Most of them have in contemplation increases in their capitalization which will enlarge the sphere of their speculative operations. Among the companies just mentioned two of them have carried out this purpose. The Atlantic Refining Co. has increased its capital from $5,000,000 to $50,000,000. The Standard Oil Co. of Indiana has raised its capital from $30,000,000 to $100,000,000. Some of the smaller subsidiary companies have also joined in the grand rush for investors' money. The Continental Oil Co. has raised its capital from $3,000,000 to $18,000,000. The Standard Oil Co. of Nebraska has increased its capital from $1,000,000 to $5,000,000, and the Mid-West Refining Co. has increased its capital to $50,000,000.

HOW OIL PROFITS ARE JUGGLED.

The Federal Trade Commission, of which Senator HARRIS, of Georgia, was then chairman, made a report to the President, under date of April 17, 1917, upon the price of gasoline, in which we find this very illuminating statement—page 107:

> The rates of dividends are based on investment, not on capital stock. The Standard companies being undercapitalized, the rates actually paid on stock were higher than the rates on investment. The rate of dividends paid on investment varied considerably, ranging from nothing up to as high as 62.6 per cent. The average rate was 7 per cent. In the case of the three Standard marketing concerns the average dividend was 9.5 per cent, the Standard of Nebraska actually paying 13.4 per cent. On the other hand, the small Pennsylvania refiners, except one, made but a poor showing.
>
> Indeed, the additions to surplus made during 1915 have to be considered carefully in judging the profitableness of the refiners' operations. Thus the Atlantic Refining Co. only paid 3.9 per cent on its investment as of the beginning of the year, but over 80 per cent of its net earnings went into its surplus.

This well illustrates the method of juggling with its finances resorted to by this stupendous organization, with its many ramifying branches, to defraud its stockholders in order to put at the disposal of the few men who control its affairs vast surpluses to enable them to venture into and control banks and industries of every kind throughout the country.

SIXTEEN PERSONS CONTROL PRICES.

After a thorough investigation the Federal Trade Commission found that about 52 per cent of all the stock of all the Standard Oil companies was owned by about 16 persons, and that 70 per cent of all stock of all the oil companies was owned by one group. In other words, there has been found to be a community of stock holding in all of the subsidiaries of the Standard Oil Co. Nominally, they are separate companies, incorporated under the laws of different States; but 70 per cent of their stock is held by the same interests; united, notwithstanding the dissolution of the original Standard Oil Trust, in an invisible but nevertheless powerful bond of unity.

WHAT IS IN ISSUE?

The public lands proposed to be thrown open to the public under the measure before us embrace the most valuable coal and oil lands in the world. They embrace from 25 to 90 per cent of the areas of many of our Western States. These lands were withdrawn from public entry by President Taft on September 27, 1909, to conserve the mineral and oil wealth of the country for future generations. The fear was then well grounded that if not withdrawn they would be gobbled up by greedy speculators, who would exploit them for their own aggrandizement and against the public weal. That menace still exists and, if anything, it is even more accentuated. I am willing that these lands should be once more opened to public entry; but if that is done the measure providing for it should properly safeguard the interests of all the people. As the Senate bill came over to us I believe those safeguards were provided. The bill passed the Senate with only one dissenting vote. It would not have passed at all without sections 40 and 41, which our House Committee on the Public Lands has seen fit to eliminate. The House substitute bill before us throws the doors wide open to the Coal Trust and the Oil Trust.

The amount and value of these lands stagger the imagination—6,500,000 acres of possible oil lands, 2,700,000 acres of phos-

phate lands, 3,500,000 acres of oil-shale lands, and 70,000,000 acres of coal lands.

If this bill is passed, to whom do you suppose they will go? Not to the average citizen, but to the large corporations which are already in the field. They alone have the capital and the organization to possess themselves of and profitably exploit this tremendous acreage.

MOST PERFECT TRUST IN EXISTENCE.

Gentlemen profess to be confident that there is no danger to be apprehended from the Standard Oil Co. in the monopolization of these lands. If that is true, why put ourselves at its mercy? If there is any doubt, let us at least be on the safe side. But such blind faith in the future betrays foolish contentment or gross ignorance of the past. We know that the Standard Oil can no more change its character than the leopard can change his spots. Ida M. Tarbell, in her "History of the Standard Oil Co.," published in 1904, said:

It is the most perfectly developed trust in existence; that is, it satisfies most nearly the trust ideal of entire control of the commodity in which it deals. Its vast profits have led its officers into various allied interests, such as railroads, shipping, gas, copper, iron, steel, as well as into banks and trust companies, and to acquiring and solidifying of these interests it has applied the methods used in building up the Oil Trust. It has led in the struggle against legislation directed against combinations. Its power in State and Federal Government, in the press, in the college, in the pulpit, is generally recognized.

The same spirit that moved it then actuates it to-day.

John D. Rockefeller, jr., in an address on trusts to the students of Brown University said:

The American Beauty rose can be produced in its splendor and fragrance only by sacrificing the early buds which grow up around it.

In other words, all competitors must die.

TRUST DID NOT LOWER PRICE OF OIL.

Since this bill has been under discussion I have heard it whispered that even if this bill should open the door wider to the Standard Oil Co. it would not be such a bad thing. That it is a beneficent trust, for did it not lower the price of oil to the consumer? To those gentlemen I would say, "Please read what Miss Tarbell has to say on that subject":

As a result of the Standard's power over prices, not only does the consumer pay more for oil where competition has not reached or has been killed but this power is used steadily and with consummate skill to make it hard for men to compete in any branch of the oil business. This history has been but a rehearsal of the operations practiced by the Standard Oil Co. to get rid of competition. It was to get rid of competition that the South Improvement Co. was formed. It was to get rid of competition that the oil-carrying railroads were bullied or persuaded or bribed into unjust discriminations. It was to get rid of competition that the Empire Transportation Co., one of the finest transportation companies ever built up in this country, was wrested from the hands of the men who had developed it. It was to get rid of competition that war was made on the Tidewater Pipe Line, the Crescent Pipe Line, the United States Pipe Line, not to mention a number of similar smaller enterprises. It was to get rid of competition that the Standard's spy system was built up; its oil wars instituted; all its perfect methods for making it hard for rivals to do business developed.

GULLIBLE PEOPLE STILL LIVE.

The most curious feature, perhaps, of this question of the Standard Oil Co. and the price of oil is that there are still people who believe that the Standard has made oil cheap. Men look at this chart and recall that back in the late sixties and seventies they paid 50 and 60 cents a gallon for oil, which now they pay 12 and 15 cents for. This, then, they say, is the result of the combination. Mr. Rockefeller himself pointed out this great difference in prices. "In 1861," he told the New York Senate committee, "oil sold for 64 cents a gallon, and now (1900) it is 6¾ cents." The comparison is as misleading as it was meant to be. In 1861 there was not a railway into the oil regions. It cost from $3 to $10 to get a barrel of oil to shipping point. None of the appliances of transportation or storage had been devised. The process of refining was still crude, and there was great waste in the oil. Besides, the markets were undeveloped. Mr. Rockefeller should have noted that oil fell from 61¾ in 1861 to 25¾ in the year he first took hold of it, and that by his first successful manipulation it went up to 30. He should point out what the successive declines in prices since that day were due to—to the seaboard pipe lines, to the development of by-products, to bulk instead of barrel transportation, to innumerable small economies. People who point to the differences in price, and call it combination, have never studied the price-line history in hand. They do not know the meaning of the variation of the line; that it was forced down from 1866 to 1876, when Mr. Rockefeller's first effective combination was secured by competition, and driven up in 1876 and 1877 by the stopping of competition; that it was driven down from 1877 to 1879 by the union of all sorts of competitive forces—producers, independent refiners, the developing of an independent seaboard pipe line—to a point lower than it had ever been before. They forget that when these opposing forces were overcome, the Standard Oil Co. was at last supreme, for 10 years oil never fell a point below the margin reached by competition in 1879, though frequently it rose above that margin. They forgot that in 1889, when for the first time in 10 years the margin between crude and refined oil began to fall, it was the competition coming from the rise of American independent interests and the development of foreign oil fields that did it.

To believe that the Standard Oil combination or any other similar aggregation would lower prices except under the pressure of the combination they were trying to kill, argues an amazing gullibility. Human experience long ago taught us that if we allowed a man or group of men autocratic powers in government or church, they used that power to oppress and defraud the public. For centuries the struggle of nations has been to obtain stable government, with fair play to the masses. To obtain this we have hedged our kings and emperors and presidents about with a thousand constitutional restrictions. It has not been possible for us to allow even the church, inspired by religious ideals, to have the full power it has demanded in society. And yet we have here in the United States allowed men practically autocratic powers in commerce. We have allowed them special privileges in transportation, bound in no great length of time to kill their competitors, though the spirit of our laws and of the charters of the transportation lines forbade these privileges.

PRICES IN CONTROL OF SMALL GROUP.

We have allowed them to combine in great interstate aggregations, for which we have provided no form of charter or publicity, although human experience long ago decided that men united in partnerships, companies, or corporations for business purposes must have their powers defined and be subject to a reasonable inspection and publicity. As a natural result of these extraordinary powers, we see, as in the case of the Standard Oil Co., the price of a necessity of life within the control of a group of nine men, as able, as energetic, and as ruthless in business operations as any nine men the world has ever seen combined. They have exercised their power over prices with almost preternatural skill. It has been their most cruel weapon in stifling competition, a sure means of reaping usurious dividends, and, at the same time, a most persuasive argument in hoodwinking the public. (Pp. 227, etc., Tarbell's History of Standard Oil Co.)

FEDERAL TRADE COMMISSION'S REPORT.

The practice of discrimination in prices and of unfair competition has been consistently adhered to through all the years. In the investigation conducted by the Federal Trade Commission these charges were sustained. Though the Standard Oil Trust has been adjudged out of existence by the courts, it has divided itself up like a monstrous worm into 12 living vital parts, and to each of these organisms is assigned a definite territory to feed upon and devour. They are as follows: The Standard Oil Cos. in California, Indiana, Kansas, New Jersey, New York, Ohio; the Vacuum Oil Co., Atlantic Refining Co., Solar Refining Co., Galena-Signal Oil Co., Standard Oil Co. of Louisiana, and the Magnolia Petroleum Co.

It was found that the Indiana company was selling gasoline in its allotted territory cheaper than the other Standard Oil companies. In Ohio they were selling 2 cents on the gallon higher than in Indiana. In New Jersey, Pennsylvania, New York, and Georgia 5 cents higher, and in Tennessee 3 cents higher than in Indiana. What was the reason for this discrepancy? It had competition, and when its competitors, like the early buds on the rosebush, were killed off, the great American Beauty rose—the Standard Oil Co.—blossomed forth in full beauty and strength and vigor and proceeded to overwhelm the guileless consumer with a resumption of its odoriferous exactions.

CLAYTON ACT HAS FAILED.

In short, we find that the Clayton Act falls short of its purpose. The Standard Oil octopus is both ingenious and ubiquitous. The House Land Committee excuses its elimination of the sections of the Senate bill which were planned to meet this situation by saying that the sections thus struck out were an amendment of the Clayton Act and, as such, were within the domain of the Judiciary Committee. Suppose they were? They were in the Senate act as it came to us. They would not be subject to a point of order. Why has the House committee so framed its report that the sections now become subject to a point of order? The fact is the committee is opposed to these sections. That is why they excluded them, and not because they were afraid of treading on the corns of the Judiciary Committee.

THE REMEDY.

These two sections only follow out the recommendations of the Federal Trade Commission (see p. 163 of their report), as follows:

(2) Abolition by legislation in certain cases of common-stock ownership in corporations which have been members of a combination dissolved under the Sherman law. (The several Standard Oil companies.)

(4) Legislation which, while recognizing common ownership, would fix upon such common owners the responsibility for the acts of the several companies so owned, which prevent competition. (Require the Standard companies to all have the same price after allowing charges for selling and transportation.)

This is the legislation called for by a body which has conducted a thorough and painstaking investigation of the subject in all its ramifications. They are not the wild, unbalanced deductions of half-baked philosophers or radicals. They are the suggestions of practical men, and we, as practical men, and as honest men, deeply concerned for the economic prosperity of our country and the welfare of posterity, should retain them unweakened and undisturbed in the measure we are about to pass.

Mr. BLANTON. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. GRIFFIN. I should be glad to yield if I had the time.

Mr. TAYLOR of Colorado. Mr. Chairman, I will yield to myself five minutes at this time, and I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, for many years the West has been earnestly appealing to Congress for some legislation to unlock the many millions of acres of Government withdrawn coal and oil lands and open up that vast public domain to development. This bill in some form has four times passed the House and several times passed the Senate in former sessions, and I regret to say that every bill that has ever heretofore passed has been more liberal to the West than this one. But the active propaganda that has been so constantly carried on for years by the ultraconservationists has made it utterly impossible at this time to secure a more liberal bill than this one. So we of the West are faced with the alternative of continued stagnation in the development of our many millions of acres of coal, oil, oil shale, gas, and phosphate lands or the passage of this bill, which, while extremely stringent in its terms, will nevertheless, I think, release, under drastic restrictions, these millions of acres and bring about a very much needed and wonderfully important development.

The criticism by a few people that this bill is in some respects in the interest of the large operators and contrary to those of the public and the small producers is utterly without any foundation, and those who make it have either never read the bill or are absolutely reckless in their statements.

Mr. GRIFFIN. Why did you not retain the provisions regulating the price which is contained in the Senate bill?

Mr. TAYLOR of Colorado. The amendments that we on the Public Lands Committee have put on this Senate bill make its provisions much more harsh and drastic on price and royalties, and in many other respects, than it was as it passed the Senate.

This bill more completely, in every possible way, protects the rights of the Government and the public, and yet fairly guards the legitimate vested rights of everybody concerned, than any bill on the subject that has ever heretofore passed either branch of Congress. This bill is purely a leasing measure and, practically speaking, does not permit title to pass into private ownership. While probably fully 90 per cent of the people in the public-land States would prefer to see a more liberal land law permitting the securing of patents to lands in order that they might go upon the tax rolls and help bear the burden of maintaining schools, roads, and local government in the counties and States where they are located, yet this bill retains in the Government forever the title to all these lands. The bill limits the acreage of the various kinds of lands which can be acquired by any one individual or corporation to such an extent as to make monopoly impossible, while allowing sufficient acreage to justify development.

Minimum royalties are in each instance prescribed, and the maximum are left to the discretion of the Secretary of the Interior, who is the guardian of the rights of the Government and of the public. The Secretary may take all of the product, if he desires, and may always reject any and all bids, and may also prescribe by general regulations the operation of the lands leased under this bill so as to not only protect the property but to protect those employed in the operations. It gives him an opportunity to take into consideration the equities of those who in good faith, and without fraud, settled on lands now withdrawn, and allows the President, through agencies designated by him, to settle and compromise matters of controversy over title between bona fide claimants and the Government, thus avoiding very great expense and delay and ruinous litigation.

After years of effort I have succeeded in including in this bill a provision permitting all cities and towns to locate, open up, and operate municipal coal mines free of any charge or royalty. And as probably the largest body of oil shale in the world is in my congressional district I may say that I am very largely chargeable with the responsibility for the provisions of that section of the bill, and while they will not be entirely satisfactory they are many times more liberal than the provisions regarding oil and coal, and are the very best I can possibly obtain after three years of hard work; and I am confident that a marvelous oil-shale development will ultimately be brought about under this bill.

If the bill is passed as reported, 45 per cent of the money received from sales, bonuses, royalties, and rentals, under the provisions of this act, are to be paid directly to the respective States in which they occur; and another 45 per cent goes to the reclamation fund; and 10 per cent to the Government. In common fairness to the States in which these resources are principally located, I hope that provision will not be materially changed.

With the four or five million acres of coal land in Colorado, and the marvelous and almost inconceivable possibilities for oil land and oil shale, the amount thus paid to the State in the near future will be a very large sum annually. So that the people of our State will not only get large benefits from these payments, but the much greater benefits from the activity and value of the development of our resources that have long lain idle because of the lack of adequate laws under which they could be developed.

With 700,000,000 acres of public domain in the Western States and Alaska, with possibly one-tenth of all that land being coal land, of which 29,000,000 has already been classified as coal land, and with fully 7,000,000 acres of oil and oil shale lands, all lying out there in the barren, idle, and undeveloped condition in which they have remained for millions of years, and, practically speaking, not one single acre of all that vast domain of coal and oil land has been allowed to be patented during the past 10 years, owing to the withdrawals and classifications preventing anyone from entering it; and as there is no law under which it can be leased or operated in any businesslike or safe way, all that imperial domain of resources remains undeveloped waiting for Congress to pass some law that will not only permit but we hope encourage its development.

While this bill is not as fair to the Western States as it should be, it is the best we can get. It is a start in the right direction, and it will at least permit, even if it does not very much encourage, a great development throughout the West of these resources that have been hermetically sealed up for all these years.

There are so many stringent and drastic restrictions against combinations and monopolies that the most rabid conservationist need have no fear about the operations of this bill. There can be no monopoly or extortion under this bill. Absolute control of all these resources is always retained by the Government. The leases are strictly limited by acres, by time limit, and by rate of royalty, and are always subject to all kinds of regulations and supervision by the Interior Department. In fact, the Government's rights are everywhere so fully and absolutely guarded and protected that I feel no fair-minded person can justly criticize the bill on account of its possible liberality.

All former bills authorized bona fide claimants under existing laws to have a patent to all, or at least one-fourth, of their lands, while this bill is intended to permit no patents. In other words, this is purely a radical conservation leasing proposition. The West will not be satisfied with this measure, yet we are accepting it with the belief that if it proves impractical we may be able to amend it at future sessions of Congress, and I hope the bill will pass and be given a fair trial.

President Wilson has for five years been very earnestly, repeatedly, and forcibly urging the passage of this measure as a matter of national importance in the development of our resources throughout the West. In his second annual message delivered before Congress in joint session on December 8, 1914, the President said:

> We have year after year debated, without end or conclusion, the best policy to pursue with regard to the use of the ores and forests and water powers of our national domain in the rich States of the West when we should have acted, and they are still locked up. The key is still turned upon them, the door shut fast, at which thousands of vigorous men, full of initiative, knock clamorously for admittance. The water power of our navigable streams outside the national domain also, even in the Eastern States, where we have worked and planned for generations, is still not used as it might be, because we will and we won't; because the laws we have made do not intelligently balance encouragement against restraint. We withhold by regulations.
>
> I have come to ask you to remedy and correct these mistakes and omissions, even at this short session of a Congress which would certainly seem to have done all the work that could reasonably be expected of it. The time and the circumstances are extraordinary, and so must our efforts be also.
>
> Fortunately, two great measures, finely conceived, the one to unlock, with proper safeguards, the resources of the national domain, the other to encourage the use of the navigable waters outside that domain for the generation of power, have already passed the House of Representatives, and are ready for immediate consideration and action by the Senate. With the deepest earnestness I urge their prompt passage. In them both we turn our backs upon hesitation and makeshifts and formulate a genuine policy of use and conservation in the best sense of those words. We owe the one measure not only to the people of that great western country for whose free and systematic development, as it seems to me, our legislation has done so little, but also to the people of the Nation as a whole; and we as clearly owe the other in fulfillment of our repeated promises that the water power of the country should in fact as well as in name be put at the disposal of great industries which can make economical and profitable use of it, the rights of the public being adequately guarded the while, and monopoly in the use prevented. To have begun such measures and not completed them would, indeed, mar the record of this great Congress very seriously. I hope and confidently believe that they will be completed.

And again in accepting the renomination, in his address delivered at Long Branch, N. J., on September 2, 1916, President Wilson made the following statement:

> We ought both to husband and develop our natural resources, our mines, our forests, our water power. I wish we could have made more progress than we have made in this vital matter; and I call once more, with the deepest earnestness and solicitude, upon the advocates of a careful and provident conservation, on the one hand, and the advocates

of a free and inviting field for private capital, on the other, to get together in a spirit of genuine accommodation and agreement and set this great policy forward at once.

Mr. Chairman, for the purpose of more fully expressing the sentiment of the West on this subject, and also showing the moral, equitable, legal, and constitutional right upon which we are appealing for liberal and fair treatment at the hands of Congress in our efforts to develop the new States of the arid West, I am going to avail myself of the privileges of extending my remarks in the RECORD by inserting an address delivered by the Hon. Clyde C. Dawson, of Denver, president of the Colorado Bar Association, at its annual meeting on the 11th of July, 1919, at Colorado Springs, Colo. Mr. Dawson is one of the most eminent lawyers our State has ever produced, and is a public-spirited loyal son of the West who has made a profound study of the rightful relations of the Federal Government to our Western States in regard to our public-domain policy and the proper development of our natural resources. His address is as follows:

ADDRESS OF CLYDE C. DAWSON AS PRESIDENT OF THE COLORADO BAR ASSOCIATION.

THE CONSTITUTION AND THE TIMES.

The tendency of recent years has been for the Federal Government to encroach upon that of the States and for the executive department of the Federal Government to encroach upon all other departments. This is fast leading to a bureaucracy centered in Washington reaching out for the permanent domination of innumerable great activities heretofore left to the States and to individual initiative.

This all makes for a breaking down of our constitutional form of government and the substitution therefor of a form of governmental socialism controlling the great means of transportation, communication, and even production. The advocates of this new theory of government are not confined to any one political party, to any section of the country, or to any single class of people.

The question may well be asked whether the form of government under which we have developed from a few million people scattered along the eastern coast to a Nation of over a hundred million people—a form of government under which we have lived so happily and prospered so marvelously—should be abandoned or even mutilated for the purpose of embarking upon this new experiment, and whether the experience and traditions of the past should be set aside because certain people say the new must be better than the old, the untried better than the tried.

In the consideration of this question let me first disclaim any thought of criticism of the extension of either Federal or Executive power for purely war purposes. It may be taken for granted that every loyal American was willing, for the period of the war, to strengthen the arm of the Federal Executive and the power of the Nation itself in any and every manner that would make for the winning of a conflict in which the very life of civilization itself was at stake; but, happily, the war is now over and we are facing the dawn of a new day. Are we to go forward into this new day, and those that are to follow, as a Nation living under the terms of that great document which the illustrious Gladstone characterized as "the most wonderful work struck off at a given time by the brain and purpose of man," or are we to countenance and possibly abet those tendencies which are seeking to break down the limitations contained in that charter of our liberties?

I do not wish to be understood as saying that the Constitution is to be considered as absolutely fixed for all time. A method for its change is found within its own terms. That method has in the past proved workable, notwithstanding the claims of impatient reformers that it was too slow and cumbersome, failing to recognize that government is essentially a matter of slow growth.

The Constitution may contain limitations that should now, or at some future time, be changed, but all such changes should be approached thoughtfully, carefully, and prayerfully. As was said by that great lawyer and statesman, Elihu Root:

"The system of limitation must be continued if our governmental system is to continue, if we are not to lose the fundamental principles of government upon which our Union is maintained and upon which our race has won the liberty secured by law for which it has stood foremost in the world.

"Lincoln covered this subject in one of his comprehensive statements that can not be quoted too often. He said in the first inaugural:

"'A majority held in restraint by constitutional checks and limitations and always changing easily with deliberate changes of popular opinion and sentiment is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or despotism.'"

The statesmen who framed our Constitution were not building for a day, a year, or a generation. They sought to achieve a well-balanced structure, which would stand the strain of time and meet the ever-broadening needs of their posterity. In an effort to avoid the errors that had caused the downfall of many a great and powerful nation, they drew lavishly upon the history of the past and looked far into the future.

The members of the convention were mostly men of vision, understanding, scholarly attainments, and practical wisdom. They had no false notions about the infallibility of the people if left unrestrained by self-imposed constitutional checks and limitations.

They knew that time would bring changes, and that if the document they were framing was to stand the test it must have sufficient resilience and elasticity to adapt itself to the ever-widening activities of a people set upon the subjugation of a wild and untamed continent.

Mr. Madison said:

"In framing a system which we wish to last for ages we must not lose sight of the changes which ages will produce."

Mr. Hamilton said he concurred with Mr. Madison:

"We were now to decide forever the fate of republican government, and if we did not give to that form due stability and wisdom it would be disgraced and lost among ourselves, disgraced and lost to mankind forever."

It will thus be seen that the framers of the Constitution well knew what they were doing and for what time they were building, as did its great interpreter, Chief Justice Marshall, who said:

"A constitution is framed for ages to come, and is designed to approach immortality as near as mortality can approach it, as far as its nature will permit, with the means of self-preservation from the perils it is sure to encounter."

It was early urged by those who feared the power of the Supreme Court of the United States that the legislative branch of the Government was itself the judge of the constitutionality of its enactments. In recent years the question is again being raised—not as to the power of the Supreme Court to determine the constitutionality of congressional enactments, but as to the policy of permitting it to do so. And some of our State constitutions have been amended as to deny to the courts the right of declaring acts of the legislature unconstitutional.

It would seem that upon this question the answer of Chief Justice Marshall in Marbury *v.* Madison, setting forth the view upon which our Government has ever since proceeded, should be conclusive, not only as a matter of law, but as a matter of policy. He said:

"The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten the Constitution is written. To what purpose are powers limited, and to what purpose is that limit committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it, or that the legislature may alter the Constitution by an ordinary act.

"Between these alternatives there is no middle ground. The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act, contrary to the Constitution, is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable.

"Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be that an act of the legislature repugnant to the constitution is void. This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society."

While the law is thus settled, the policy of the law in this regard is still under attack by those who chafe at this and other restraints of the Constitution.

There has probably never been a time in our history when our form of government and the traditions that have grown up under it have been subjected to assault from so many different angles as at the present time. This would seem extraordinary with the world just emerging from the chaos in which other forms of government have failed to stand the strain, were it not for the fact that the spirit of anarchy, Bolshevism, and all the milder forms of discontent and disorder are abroad in the world.

The situation is most clearly illustrated by the astounding collapse not only of the Russian Government, but apparently of the Russian people's ability to govern themselves. They have been led into the abyss of disorganization by false prophets and demagogues who, drunk with power, are now seeking to spread their pernicious doctrines throughout the world, and even here in free America their agents are busy, aided and abetted by the discontented and turbulent among our own people.

The discontented ones among us seem either to forget or do not know that never in the history of the world has there been a nation comparable to ours in size, where the people, taken as a whole, have been as well fed, as well clothed, as well housed, as well educated and circumstanced in all that goes to make life worth the living as have the people of the United States.

Never in the world's history has any race of men in a like period of time developed such a vast area of the earth's surface to such a degree of perfection as we have done under that form of government which the discontented now say has outworn its usefulness. They seem to forget how well the Constitution has stood the strain of our mighty growth in population, territory, wealth, and all the innumerable activities of a strong and virile race.

Our Constitution is to-day the oldest form of government in existence. It was many years after our Constitution was adopted that the Government of England was radically [illegible] that the King ceased to govern, and "the Crown became the House of Commons"; that the Spanish Government changed; that the German Empire was brought into existence, only to be shattered by the recent war; that United Italy was admitted into the family of nations; that Japan was converted from a despotism to a constitutional monarchy, and that there sits in China a President instead of an Emperor as of old.

In the more than 130 years since the adoption of our Constitution many another government has gone down in utter ruin, unable to stand the strain of internal commotion or assault from without.

Neither in the shock of civil or foreign war have the colors of our Republic ever been lowered in ultimate defeat, nor has our Constitution failed to bear the strain cast upon it.

With such record as this, why should any among us be seeking a change in the fundamentals of our form of government? Who are those seekers, and what would they have, and how would they accomplish it?

(1) PROPOSED GATEWAY AMENDMENTS.

There is a group composed of many elements—good, bad, and indifferent—who would change the present method of amending the Constitution so as to make the process much easier than at present. Amendments to this effect have been many times proposed in Congress. They differ in form, but all have the same purpose. Such amendments have come to be known as "gateway amendments."

It is said that the National Popular Government League, claiming something like 2,000,000 adherents, advocates some form of "gateway amendment" to the Constitution of the United States so as very greatly to facilitate the making of all future amendments to the Constitution. No doubt many of its members favor the general introduction and use of the initiative and referendum and the recall or unseating of judges who declare acts of Congress unconstitutional. For example, Senator ROBERT L. OWEN, of Oklahoma, says, in the Congressional Directory of April, 1918, that he is:

"President of the National Popular Government League. Advocate of cloture, short ballot, preferential ballot, initiative and referendum, and a gateway constitutional amendment."

From a very interesting published article by Joseph R. Long, professor of law, Washington and Lee University, I learn that there is a society which calls itself a "Committee on the Federal Constitution," which advocates an amendment providing easier modes of amendment to the Constitution than those prescribed in Article V. They propose to carry on a campaign of education in favor of such measure through

the daily and periodical press, book and pamphlet publication, letter and circular, pulpit and platform.

I make reference to these associations and committees to show how widespread is the effort to bring about by amendment to Article V of the Constitution a situation whereby the passing notions of the day may be more readily written into the Constitution of the United States. By permission I make use of some of the valuable data contained in the excellent article by Prof. Long.

The theory, of course, upon which this radical change in our fundamental law is being urged is that the Constitution does not now express the real will of the people, and that it is practically unamendable in the modes now provided. It is urged that the people of the United States have not control over their fundamental law at the present time, save in a minor degree. On the contrary, I believe that the Constitution of the United States does in the main express the real will of the people of this country; that the people have control over their fundamental law at the present time, and that the existing provision for amending the Constitution adequately lends itself to the change of our fundamental law whenever a real majority of the people desire to see that law changed; and this belief is based on the history of the Constitution and the amendments thereto.

While the Constitution was still before the people for adoption, numerous proposals for amendments were made by the conventions of seven of the ratifying States, and in the first session of Congress, in 1789, nearly 200 such proposals were introduced. Since that time resolutions proposing amendments have been introduced in one or more of the sessions of practically every Congress.

Of the hundreds of amendments that have been introduced in the two Houses of Congress only 22 have received the required two-thirds vote of both Houses and been submitted to the States, and of the 22 only 18, including the prohibition amendment, have been adopted.

Twelve amendments were proposed by the First Congress, in 1789, and 10 of these were adopted by 1791 as the first 10 amendments. Then followed the eleventh (1798), twelfth (1804), thirteenth (1865), fourteenth (1868), fifteenth (1870), sixteenth (1913), seventeenth (1913), and eighteenth in 1919. Regarding the first 10 amendments as practically a part of the original document, it thus appears that the Constitution has been amended only eight times since its adoption.

From the adoption of the twelfth amendment, in 1804, until 1913, a period of 109 years, there were but three amendments, and these were adopted only as a result of the Civil War. Moreover, for nearly 40 years after the adoption of the war amendments no proposed amendment had succeeded even in passing both Houses of Congress.

It is no doubt due to these facts that many had come to deem the Constitution as practically unamendable. But in 1895 the Supreme Court held the income-tax law of 1894 unconstitutional. This decision was very unpopular, and quickly developed a sentiment in favor of an amendment to the Constitution authorizing the imposition of such a tax, and before the close of the year 1895, in which the decision was rendered, resolutions were introduced in both Houses of Congress proposing such an amendment. From time to time other resolutions to the same end were offered, and in July, 1909, the sixteenth amendment, as we now have it, was passed by both Houses of Congress and submitted to the States, and on February 25, 1913, Secretary of State Knox certified that it had been ratified by the required number of States and was a part of the Constitution.

The seventeenth amendment, providing for the election of Senators by the people, passed the Senate on June 12, 1911, and the House on May 13, 1912, on which day it was submitted by Congress to the States. It received the ratification of the last necessary State on May 9, 1913, and on May 31 became a part of the Constitution. Thus the seventeenth amendment was ratified in four days less than one year from the day on which it was proposed, and in less than four years two independent and unrelated amendments were added to the Constitution. The celerity with which the prohibition amendment was adopted is well known to all.

The action upon these amendments clearly demonstrates that whenever the sentiment of the country has become so crystallized upon any given proposition that a majority of the people of the country really desire to have it incorporated in the Constitution of the United States it can be done, and done as speedily as anything should be done, which is of such vital importance as amending the fundamental law of a great country like this of ours.

The present method of amendment well guards our institutions against what Carl Schurz described as "the dangerous tendency of that impulsive statesmanship which will resort to permanent changes in the Constitution of the State in order to accomplish temporary objects."

Happily the Federal Constitution has so far been a fairly stable document. It has never been revised as a whole and has been changed by amendment in only a few particulars. It has escaped the fate which has overtaken many of our State constitutions, which have been converted from documents stating general and fundamental principles of the law into a conglomeration of such principles embedded in a vast mass of purely legislative matter.

I have taken pains to go to some length in discussing this question of amending the Constitution of the United States for the reason that if such an amendment is adopted, it places in the hands of those ever-active individuals who are insistent upon trying their experiments in government upon the people the ready means to make the trial.

No sooner would an amendment of this kind be written into the Constitution than we should find an active group of propagandists endeavoring to further amend the Constitution so as to provide for Federal legislation under the initiative system, for the referendum upon acts passed by Congress, and for the recall of judges or judicial decisions.

Surely our experience in Colorado, and that of other States which have tried these cure-alls, affords no warrant that they should be written into the Constitution of the United States. They have not yet been given an adequate trial in the lesser field of State action and should not be adopted by the General Government—to which they are much less adapted than to the smaller field of the States—until time and experience have demonstrated beyond any reasonable question their value in the smaller field.

There are many other particulars in which zealous reformers would doubtless seek to amend the Constitution of the United States if the method were made less difficult. The foregoing have only been suggested as illustrative.

I am convinced that reform in our institutions is not so much needed as reform in the standards of citizenship and in the civic ideals and practices of the individual citizen.

Within the year I have been shocked to hear a speaker say to an intelligent audience within this State that the advice of "the Father of his Country" was no longer of importance to the citizens of this generation who had come into a new era, where such advice might be considered as old-fashioned and as having no application to the problems of modern times.

Notwithstanding this extraordinary statement, I beg leave to call attention to Washington's Farewell Address, in which, among other things, he said:

"The basis of our political system is the right of the people to make and to alter their constitutions of government; but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. * * * Toward the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual changes from the endless variety of hypothesis and opinion."

(2) BUREAUCRACY AS APPLIED TO THE PUBLIC-LAND STATES.

I come now to a discussion of the encroachment of the Federal Government upon the rights of the States. This is another method by which our form of government, as established by the Constitution, is being broken down.

I am making no plea for "State rights" in the sense in which that term was used prior to and at the time of the Civil War. I am of the school of thought that believes in a strong Federal Government, and I find no objection to the expansion of Federal power in those matters which concern the welfare of all of the people of the United States. Federal authority is best adapted to the handling of such questions, and therefore the authority for doing so is to be found in the terms of the Constitution itself; but it was never intended by the framers of the Constitution that the Federal authority should interfere with the management of those affairs within the State which are purely local to the people of that State.

From the foundation of our Government until within very recent years it has been conceded as axiomatic that the best results, both for the people of the States and the Nation as a whole, could be obtained by keeping clearly in mind that all things which were local in their nature could best be done and should be done by the States, and that only those things which were general in their nature and for the benefit of the people as a whole should be undertaken and performed by the Federal Government, and that it was of prime importance that the constitutional division of powers as between the States and the Federal Government should be maintained, ever bearing in mind that the Federal Government is one of delegated powers brought into existence by the suffrage and the sufferance of the States and their people, and that all powers not so delegated are reserved to the States and to the people. Those who would now seek to override this distinction necessarily seek to rend the very fabric of the Constitution and the dual system of government established by it.

I trust there are many among us who are old-fashioned enough to believe that this should not be done; that our advancement and accomplishments under true constitutional construction have justified us in saying that for a people such as ours the framers of our Constitution struck upon the best form of government that could be devised.

It is true that Chief Justice Marshall said more than 100 years ago, that:

"In war we are one people. In making peace we are one people. In all commercial relations we are one and the same people."

But he further said, in Gibbons v. Ogden:

"The genius and character of the whole Government seem to be that its action is to be applied to all external concerns of the Nation, and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of government."

In No. 32 of the Federalist Hamilton said:

"An entire consolidation of the States into one complete national sovereignty would imply an entire subordination of the parts, and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had and which were not by that act exclusively delegated to the United States."

And in No. 14 of the Federalist Mr. Madison said:

"In the first place it is to be remembered that the General Government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects which concern all the members of the Republic but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other objects which can be separately provided for, will retain their due authority and activity. Were it proposed by the plan of the convention to abolish the governments of the particular States, its adversaries would have some ground for their objection, though it would not be difficult to show that if they were abolished the General Government would be compelled by the principles of self-preservation to reinstate them in their proper jurisdiction."

And in No. 45 he further said:

"The powers delegated by the proposed Constitution of the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

In Pollock v. Farmers' Loan & Trust Co. (158 U. S., 601, 627) Chief Justice Fuller said:

"In our judgment the construction given to the Constitution by the authors of the Federalist * * * should not and can not be disregarded."

The importance of the States in our scheme of government was not only recognized by the framers of the Constitution, by the Supreme Court of the United States from earliest times, but by the great thinkers of every generation since the adoption of the Constitution.

John Fiske says (Critical Period of American History, 239):

"If the day should ever arrive (which God forbid!) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the departments of France, or even so far as that of the counties of Eng-

land, on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

And that great modern statesman, Elihu Root, has recently said, speaking of the authority which should properly lie in the Federal Government on the one hand and in the States on the other:

"It is of very great importance that both of these authorities, State and National, shall be preserved together, and that the limitations which keep each within its proper province shall be maintained. If the power of the States were to override the power of the Nation, we should ultimately cease to have a Nation and become only a body of really separate although confederated State sovereignties continually forced apart by diverse interests and ultimately quarreling with each other and separating altogether.

"On the other hand, if the power of the Nation were to override that of the States and usurp their functions, we should have this vast country, with its great population inhabiting widely separated regions, differing in climate, in production, in industrial and social interests and ideas, governed in all its local affairs by one all-powerful, central Government at Washington, imposing upon the home life and behavior of each community the opinions and ideas of propriety of distant majorities.

"Not only would this be intolerable and alien to the idea of free self-government but it would be beyond the power of a central government to do directly. Decentralization would be made necessary by the mass of government business to be transacted, and so our separate localities would come to be governed by delegated authority—by proconsuls authorized from Washington to execute the will of the great majority of the whole people.

"No one can doubt that this also would lead by its different route to the separation of our Union.

"Preservation of our dual system of government, carefully restrained in each of its parts by the limitations of the Constitution, has made possible our growth in local self-government and national power in the past, and, so far as we can see, it is essential to the continuance of that government in the future."

This same view was expressed in different words by then Justice Hughes, of the Supreme Court of the United States, in an address before the New York Bar Association in 1916. He said:

"If we did not have States we should speedily have to create them. We now have them, with the advantages of historic background, and in meeting the serious questions of local administration we at least have the advantage of ineradicable sentiment and cherished traditions. And we may well congratulate ourselves that the circumstances of the formation of a more perfect Union has given us neither a confederation of States nor a single centralized government, but a nation—and yet a union of States, each autonomous in its local concerns. To preserve the essential elements of this system—without permitting necessary local autonomy to be destroyed by the unwarranted assertion of Federal power, and without allowing State action to throw out of gear the requisite machinery for unity of control in national concerns—demands the most intelligent appreciation of all the facts of our interrelated affairs and far more careful efforts in cooperation than we have hitherto put forth."

With this importance of the States emphasized by the leading thinkers of the country from the days of Hamilton and Madison to the present, it is somewhat startling to find in a recent book the statement that "with marked persistency we are building up a centralized Federal Government, reducing the States to mere nonentities," particularly, when we realize, that the statement is, in large measure, true, especially as applied to the State of Colorado and all of the public-land States, in the welfare of which we at the West have a particular and a personal interest.

The whole tendency of the past 15 years has been for the Federal Government to keep an iron grasp upon all the unappropriated natural resources of the West, the coal, the oil, the phosphate lands, the great potential water powers, and those vast areas, timbered and untimbered, which have been withdrawn as national forests.

In 11 of the Western States there is an aggregate of over 471,000,000 acres of public land. This is more than double the total area of 218,000,000 acres which composed the original 13 States constituting the American Union.

The former liberal land policy of the Government which made possible settlement and development in that great territory lying beyond the Mississippi River has been abandoned, and for years the West has been marking time while awaiting congressional legislation or the slackening of the bureaucratic grip of Washington which would permit of the further development of her natural resources.

There is no one in this enlightened day who objects to true conservation within its proper limits, but there are many who object to that false conservation which has in fact been naught but reservation and has resulted in stagnation throughout the public-land States. Nothing is conserved by withdrawing and reserving from use millions of potential water horsepower; nothing is conserved by tying up perpetually or for long periods of time those things which the people could properly use to advantage.

Every horsepower that runs to waste to-day that might be used represents the destruction of so much coal, oil, or other fuel; and this agency of creating power which might be the means of saving these other destructible agencies can be used over and over again without any loss whatever.

During the 33-year period between 1885 and 1918 only 6,000,000 water horsepower were developed out of a total available amount of over 60,000,000 horsepower.

The United States Geological Survey estimates in excess of 44,000,000 horsepower, or 71 per cent of the total potential available horsepower in the United States, is contained within the States of Washington, Oregon, California, Montana, Wyoming, Idaho, Colorado, Utah, and Nevada, and that of this vast amount but 1,622,021 horsepower, or 3.68 per cent, is now being utilized.

With this statement, gentlemen, you can realize the importance of the attitude of the Federal Government toward this mighty natural resource of the Western States, and it is of vital importance whether legislation is to be had, followed by administrative action, which will permit of the development of this resource, or whether, as in recent years, the dead hand of bureaucracy is to decree that for years and perhaps generations to come this indestructible method of producing great potential energy is to lie idle within the borders of the States where it is found until it can be brought under the absolute and permanent domination of the departments in far distant Washington.

Instead of placing restrictions upon the development of water powers and the laying of a tax upon the same, the Federal Government should be glad to recognize rights of way free of cost, as it did in earlier days, under a more enlightened system, which would encourage the development of every possible horsepower for which use could be found.

In regard to handling the public lands and natural resources of the West three schools of thought have been developed:

First. One based upon the belief that the Federal Government's chief interest should be in the adequate development of all of the natural resources to be found within the borders of all of the States going to make up the Union; that such development can best be secured by a liberal policy as to these lands and natural resources; that the States are able to control the industries and properties which are brought into existence within their borders by the development of such lands or resources, and that the States within which the public lands lie should have the right to have these lands and resources go into private ownership where they would be subject to the taxing power of the State for the purpose of maintaining those agencies of local government which are essential if the State is to maintain its existence.

Those who hold this thought believe that as the older States were developed under a liberal policy as to the lands and resources within their borders, the newer States should not be penalized by different and more rigorous treatment. They believe, as has been declared by the Supreme Court of the United States, that this is an "indestructible Union composed of indestructible States," and also that "this Union was and is a union of States, equal in power, dignity, and authority." While new States have been admitted to the Union "upon an equal footing with the original States," the Supreme Court has also said that the acts of admission, recognizing their coequal rights, were merely declaratory; also that "equality of constitutional rights and power is the condition of all the States of the Union, old and new"; and, furthermore, that "the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized."

Second. Are those who claim that all the unappropriated lands and resources lying within the public-land States belong to all of the people of the United States and should be administered by the Federal Government for the benefit of all the people, and that, except as to certain classes of land and resources, title should not be parted with by the Federal Government, but that such lands and resources should be indefinitely held and administered by departments and bureaus at the National Capital.

This claim that the lands and resources in the public-land States belong to all of the people is a specious one. They do belong to all of the people who are willing to come into the States where such lands and resources exist and cast their lot with the people of that State, and who acquire, develop, and pay taxes upon said lands and resources; and it has ever been true that any citizen of the country, coming from wherever he might, had the same right to acquire such lands and resources as the citizen within the State where they were located.

It is not true, however, and it was never intended by the framers of the Constitution or by the original States which ceded their wild and waste lands to the Federal Government, that the Federal Government should perpetually hold and administer said lands. It is true that the legal title to the public domain rests in the United States, but that title is simply held in trust with the ultimate object that it shall be transferred to the people who will develop it and thereby make possible the creation and maintenance of independent States of the Union.

It was said in Shively *v.* Bowlby (152 U. S., 1, 49):

"The territory is held by the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of that territory."

Those of this second school of thought have been responsible for the withdrawal from settlement of immense areas within the Western States.

There have now been withdrawn over 190,000,000 acres under the forest reserve act, and this great domain is administered from Washington by an army of Federal employees. The lands are not subject to State taxation, and yet the Federal Government draws a revenue therefrom by charging the highest price obtainable for the timber growing thereon and for grazing privileges allotted to the citizens of the States within which the reserves are located.

In our own State of Colorado something like 15,000,000 acres of land have been set aside as forest reserves. Some 10,000,000 acres of coal lands within our State have also been relieved from the operation of the laws under which they could formerly be entered, and in many instances have been classified as to price at such an exorbitant figure as to make it impossible for the citizen to purchase and operate them at a profit.

Third. There is a group much larger than you would suspect who would have all these resources of the West which are still under the control of the Federal Government permanently reserved by the Government, and as to such things as water powers, coal lands, phosphate lands, oil lands, and like resources, would embark the Government upon a pretentious scheme of governmental development and operation in competition with its own citizens.

This school of thought is of more or less recent growth, but is active in endeavoring to so change our plan of government as to reverse the old order of leaving everything to be done by the citizen which could be done by him and to have everything done by the Government which by any possibility could be operated under departments and bureaus centered in the National Capital.

A bill was introduced in Congress last winter which sought to establish a $50,000,000 revolving fund to be used by the Federal Government in the development and operation of water powers within the public-land States.

Those of this school of thought do not believe in the statement of Thomas Jefferson wherein he said:

"It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority."

They would concentrate and consolidate the control and management of the vast public domain, double in area that of the original thirteen States, in the ever-arbitrary hands of the departments and bureaus of Washington, unmindful of the statement of Justice Matthews, of the United States Supreme Court (118 U. S., 356, 369), wherein he said:

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

I am of those who strongly hold to the line of thought of the first group hereinabove referred to. I believe it more nearly comports with the genius of our institutions, the provisions of our Constitution, and that marked individual initiative of our people which has made it possible for them to subdue this vast continent within so short a period of time.

I do not believe, however, that at any time in the immediate future there is a chance of our returning to the more liberal land policies of earlier days, nor do I believe that there is any immediate danger of the notions espoused by the third group referred to being written upon the statute books of our country.

We are, therefore, in my judgment, confronted with the alternative of suffering the stagnation of the past few years as to the development of the natural resources of the West or of submitting to the establishment of what is commonly designated as the leasing or permit system. I for one have become convinced that it is the part of wisdom to submit on the theory that by such submission we may get some development, and upon the other hand, that the working of the system will prove so inadequate that we shall within a few years be able to convince Congress and the people at large that the system is wrong and that the true theory for the development of our country is that entertained by those of the group first above mentioned.

I have cited these encroachments by the Federal Government upon the rights of the Western States because in a practical sense they come more nearly home to us of the West. We all know, however, of the tremendous growth in Federal activity in all the States of the Union as affecting almost all lines of endeavor. A large part of this was due to the war, and wherever it was necessary or even desirable, it should meet with no criticism from any patriotic American.

But there is a large and persistent element in the country carrying on an active propaganda to retain under Federal control practically all those agencies which it was deemed necessary to control for the purpose of effectually conducting the war. They would thus encroach both upon the constitutional rights of the States and of the individual. They menace our constitutional form of Government by seeking to impair and destroy the autonomy of the States, and to establish a semisocialistic paternalism supported by the crutch of bureaucracy for its administration.

Bureaucracy and efficiency never went together under a democratic form of government It may be possible under an autocratic régime. Nor did paternalism and liberty ever travel as yokemates; they pull in opposite directions.

We have been preeminently a nation of individualists, and with all our faults that has been our strength. It is the most outstanding thing in our history and fundamentally it was the underlying reason for our boys in France showing, with but a few months' preparation, that they, man for man, were the equals if not the superiors of any other soldiers in the world.

As was recently well said, it would be a tragedy if, while our boys were fighting for liberty in France, we should permit the splendid structure of our own ordered and enlightened freedom to be undermined by that most insidious foe of liberty—paternalism, with its allies and close relatives, bureaucracy and socialism.

As stated by a distinguished western Senator:

"It may be possible to devise some system of government more deadening to individual initiative, more destructive to human progress, more burdensome to the people than a bureaucracy, but so far God, in His infinite mercy, has not permitted it to curse the human family."

The menace is a real one. Bureaucracy has ever grown by what it feeds upon. This was pointed out by that eminent statesman, Daniel Webster, as early as 1837, and that more modern statesman, James G. Blaine, said:

"There is nothing of which a public officer can be so easily persuaded as to the enlarged jurisdiction which pertains to his office. If the officer be of bold mind, he arrogates power for purposes of ambition; and even with timid men power is often assumed as a measure of protection and defense."

I have had occasion to be in the city of Washington much in the past 10 years, and I have ever marveled at the increase of departments, bureaus, and boards of the Federal Government, and still more have I marveled at the growth of a board or bureau after once brought into existence.

The personnel of many of these is above reproach. It is made up of delightful gentlemen, happily employed, but the system is that of which I complain. Added force is given to this complaint, because there is an increasing tendency on the part of all department heads and bureaus to insist that legislation conferring powers upon the respective departments and bureaus should grant wide discretionary power to departmental and bureau chiefs.

The evil of such a situation was well covered by a statement contained in an address by then Justice Hughes, wherein he said:

"There is also apparent at times the tendency, in a desire for the play of administrative discretion, to preserve opportunities for arbitrary action without responsibility. The requirement of a fair hearing, of action upon evidence, of a disclosure of the basis of action that all parties interested may have suitable opportunity to challenge it, in no way trammels the just administrator who is loyal to the standards of democracy, but are very important safeguards against the development of bureaucratic despotism under democratic forms."

And in the words of Senator Root:

"Unlimited official power concentrated in one person is despotism, and it is only by carefully observed and jealously maintained limitations upon the power of every public officer that the workings of free institutions can be continued."

I have never been able to bring myself to believe that everybody should work for the Government, and if they did, I have been constrained to wonder where would be found the taxpayers to support the army of Federal employees.

Take, for instance, the Department of Agriculture. In a recent work by Henry Litchfield West, of the District of Columbia, it is stated that in 1894, the division of botany in the Department of Agriculture cost $8,600 per annum, while 20 years later the appropriations for the Bureau of Plant Industry aggregated over $2,000,000. The expenditures of the Bureau of Forestry increased during the same period from $7,280 to considerably in excess of $5,000,000. The Bureau of Chemistry, a comparatively new creation, spends $1,000,000 a year.

There are scores upon scores of bureaus in connection with the 11 departments of government, and Government inspectors or officials of various kinds now number thousands, where a few years ago they could be counted by the score. And as Mr. West aptly says:

"In view of this it is impossible not to recall the fact that one of the complaints against King George III in the Declaration of Independence was in these words:

"'He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out our substance.'

"Ten years ago official figures obtained from the Government departments, not including the War and Navy Departments, showed that the President directly controlled appointments which paid salaries amounting to approximately $20,000,000 a year. Since that time the number of Federal officers has been so greatly increased as a natural accompaniment of the growth of Federal power that the total is now of appalling magnitude.

"Statistics compiled by the Civil Service Commission show that on June 30, 1917, the number of officers and employees in the Federal civil service was 517,805. Excluding employees who are within the scope of competitive examination, or who are laborers engaged in Panama Canal work and elsewhere, as well as mail contractors, there were on the date mentioned 125,129 persons who came within the presidential power of appointment or were directly or indirectly named by heads of departments selected by the President. The annual salaries paid to these appointed employees would certainly aggregate a quarter of a billion dollars."

Ours is a large country and necessarily must do things in a large way. No one would have them done otherwise, but we should recognize that the tendency of every department is to magnify its own importance, to reach out for larger appropriations and the employment of more people. This tendency should be held in check. It would comport with both economy and justice to reduce the number employed and raise the pay of many who do not receive adequate compensation.

(3) REVOLUTIONARY METHODS PROPOSED.

The attacks upon our constitutional form of government which I have been discussing pursue established methods and can only be met by convincing a majority of the people that the aims sought by their advocates would not make for the welfare or betterment of the people as a whole.

There is, however, another group, composed of many elements, that seeks by direct action to overthrow our form of government. It is made up of the Bolsheviki, the I. W. W., the revolutionary socialists, and all those who preach that doctrine of discontent which can be satisfied only by the utter destruction of the present order of things as established by our constitutional form of government. These people are the followers of and the would-be imitators of the leaders of the Bolsheviki in Russia, whose high-handed outrages have brought that great people to the very abyss of despair and who now seek to envelop the whole world with the red pall of anarchy.

It will not do for us to sit idly by, nursing the fatuous belief that the United States is so far removed in miles, in thought, education, and traditions as to make us safe from their unholy activities. Who shall set the limit to the ambitions of such men as Lenin and Trotski?

In a very interesting article by the editor of the Constitutional Review is collected much information as to their activities. It is stated that a recent dispatch from London advises that:

"The Russian Bolshevik government for a long time has been organizing an extensive propaganda for revolution in China, India, and Persia, and is now ready, as soon as the opportunity offers, to send agents with large sums of money to stir up trouble throughout Asia."

It may seem that such activities are a long way from America, but we have ample evidence that their propaganda is being scattered broadcast in this country, and it finds fertile soil among the I. W. W. and those of like character within our midst.

In the article above referred to it is said that the State Socialist Convention in Illinois demands that the American Government shall immediately recognize the Bolshevik government of Russia. The State Socialist Convention in Minnesota adopts resolutions indorsing the policies of the Russian Bolsheviki. The State Socialist Convention in New York "greets with joy and confidence the Russian Soviet Socialist Federated Republic, the first socialist republic in the world." And the Pennsylvania State Socialist Convention cables to Lenin and his associates: "Your achievement is our inspiration."

And let it not be forgotten that in spite of the withdrawal from the Socialist Party of many men who could not stomach such utterances as those quoted, the Socialist Party grew enormously during the war. The Russian propaganda is in our midst and is actively at work.

It was recently boasted by one of their leaders that the money sent to Berlin to finance the revolution was as nothing compared to the funds transmitted to New York for the purpose of spreading Bolshevism in the United States.

A witness before the Senate committee described a meeting in the Chicago Coliseum, where an audience cheered the names of Lenin and Trotski for five minutes and also every comment by speakers to the effect that America would be the next nation to adopt the soviet system of government.

But the climax of audacity was reached while I was in the city of Washington, when one of the largest theaters, within sight of the Capitol and within a stone's throw of the White House, was packed with those who enthusiastically cheered speakers devoting themselves to the praise of Bolshevism in preference to the American system of democracy. Our institutions and form of government were the subject of pointed disparagement, and the principal speaker at the meeting declared that the people would want a soviet system instituted in America when it was seen how admirably it worked.

The incident last referred to aroused a storm of popular and congressional indignation. Almost immediately the matter was made the subject of strong denunciation in the Senate, and a searching investigation by a special committee was ordered, and our own Senator THOMAS, in the course of debate, gave the American people plain and solemn warning of the danger that besets them. He said:

"Unless the people of this country, the plain, law-abiding, middle-class people, realize, and realize very soon, the fact that there is a conspiracy, usually secret but frequently open, working for the overthrow of the Government of the United States and to erect upon its ruins a so-called government of murderers, anarchists, thieves, and criminals, with here and there some honest but deluded individual among them, the avalanche may be upon them in the near future."

The activities of this class of revolutionists should not be tolerated for a moment in this country. They are, in almost every instance, led by the discontented from other lands, aliens to our thought, institutions, and traditions. These alien agitators should, without delay, be sent back to the lands from whence they came. That their deportation will be wholesome is shown by the recent removal of a group of 54 to Ellis Island under a guard of soldiers while they rent the air with their

shouts of "three cheers for the Bolsheviki!" and "to hell with America!"

To those of our own citizens who would by force destroy the free institutions of a country that has given them greater and broader opportunities for individual development than were ever given by any country of the world, there should be meted out punishment that would prove a deterrent to them in the future and prove a wholesome lesson to all who would by such means seek the destruction of our country.

There can be no excuse, in a country with institutions such as ours, where the ballot of every citizen is equal to that of every other, for seeking to change the form of our institutions by any method other than that of the peaceful use of the machinery provided by our laws.

As Mr. Justice Brewer said, in the earlier Debs case:

"In this Government of and by the people the means of redress of all wrongs are through the courts and at the ballot box, and no wrong, real or fancied, carries with it legal warrant to invite as a means of redress the cooperation of a mob with its accompanying acts of violence."

This is not an affair for Congress alone, nor for the Commissioner of Immigration, nor for the governor of any State, the mayor of any city, or the policeman on his beat. They need our aid. It is your affair; it is my affair; and the affair of every citizen of the United States. If we love our country, its institutions and traditions; if we believe, as I do, that under our form of government we have grown a people and builded a Nation that stands as the mightiest force for good the world has ever known, there should be no sacrifice too great for us to make in sustaining that Government, those institutions, and traditions.

I believe in all that makes for the betterment of mankind. I believe in every man's right to advance. I would not rob the people of that blessed discontent which ever leads them to seek for that which may better the lot of all the people, but I would have them give expression to this discontent and this seeking for better things in an orderly, peaceful manner that will permit of the retention of that which is good in the old while seeking for that which may be better in the new.

We, the lawyers of Colorado, the lawyers of America, should stand in the very forefront of all the people in endeavoring to lead them in just and righteous paths.

Lawyers made the Federal Constitution and the State constitutions. Lawyers have interpreted, construed, and given those charters of the people's liberties their vitality; but the lawyer of to-day is not as carefully trained in the fundamental principles of constitutional law as were those of an earlier day. He has become a specialist, more of a business man, and less of a lawyer, and by that same token the bar of the country has lost much of its leadership of the people which marked its earlier history.

Instead of acting as the adviser and leader of the people; instead of taking an active interest in every question which affects the welfare of the people, we concern ourselves more with the special interests of some business aggregation and the building of our individual fortunes.

The war which has closed was less dangerous to this country and its institutions than the revolutionary propaganda which is being carried on among our people. The war menace could be and was met and overcome by our boys in khaki who went into the fight with the same stout hearts, the same individual initiative and courage that have ever characterized the soldiers of this great Republic. The other danger is more insidious. With the great mass of our well-meaning people it should be met by reason and not by force, so long as they do not resort to violent and revolutionary methods.

The members of our profession should be better equipped to meet this situation than the men of any other calling. We should better understand what it would mean to lose the liberties guaranteed by that greatest of all political documents, the Constitution of the United States, of which William Pitt, after reading it, exclaimed:

"It will be the wonder and admiration of all future generations and the model of all future constitutions."

At the celebration of the one-hundredth anniversary of the Constitution in Philadelphia, it was beautifully and appropriately recited that:

"The adoption of the Constitution of the United States is the most important event in the history of the American people, and the instrument itself the sublimest achievement of mankind. It has taught the world that liberty can exist without license and authority without tyranny. How completely the principles upon which it is based have met every national need and every national peril!"

Under its beneficent provisions we have gone forward for more than 100 years, holding out the promise of freedom, liberty, and opportunity for all. We have gone on absorbing people from many lands. We have grown from a few millions, scattered along the Atlantic coast, to a mighty nation of more than 100,000,000, extending from the Atlantic to the Pacific, the Great Lakes to the Gulf and the far-flung islands of the sea.

We have crossed mountains and great plains; have felled forests and caused the desert to blossom as the rose; and wherever we have gone we have carried our faith in God, our institutions, and ourselves. We have builded homes, churches, and schools and have laid deep the foundations of human liberty which should stand unshaken throughout the centuries that are to come.

It is for the maintenance of these institutions, the preservation of these ideals that we, the lawyers of America, should be willing to put forth our mightiest endeavor.

Mr. FERRIS. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the gentleman from New York [Mr. GRIFFIN] a few moments ago stated that the oil companies and the coal operators were responsible for the fearful condition and situation which exists in this country at this time. I hold no brief for any oil company or for any coal operator, but I do hold a brief for and have a personal interest in the welfare of the American people. I want to say that a man must be very much misinformed or uninformed not to see the present concerted effort in this country, in France, in Italy, and in England, influenced by German and Russian Bolshevism of the Lenin and Trotski type, through the threatened strike of the coal miners on November 1 and the existing strikes of the steel employees and the longshoremen and expressmen in New York, to overthrow, if possible, all government and to establish a state of anarchy. Because of such strikes tons of food have rotted in New York. Thousands of families have suffered privations, and this, too, when each and all of these employees have been receiving larger wages than ever known before in the history of this country, but who to-day are asking for things which under the industrial life of any country are impossible. These miners, the majority of them foreigners who can not speak English, are now asking, among other things, that the workday be decreased to six hours, and, as I said the other day, that means diminishing the production of coal in the country a flat 25 per cent. They ask that the work week be reduced from six days to five days, and that means that the production of the country be decreased another 16⅔ per cent, making in all a decreased production of coal, with winter approaching, with the possibility of thousands of poor women and innocent children freezing to death, of 41⅔ per cent. Yet these miners, under the whip and lash of autocratic, anarchistic, cold-blooded, radical leaders, agree to and arrange this wholesale murder of innocent, helpless women and little children with a cold, calculating precision. This is not a fight between labor and capital. It is an attempt to destroy our Government.

Why, if we do not wake up, and if we do not pass a proper law that will protect the interests of the whole people of this country, God knows what is going to happen to this Congress and the people we represent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Will the gentleman yield me one minute more?

Mr. FERRIS. I yield the gentleman one minute more.

Mr. BLANTON. I thank the gentleman from Oklahoma. I asked permission this morning to insert in the RECORD several thousand letters I have received, some from every congressional district in the United States, asking and demanding that Congress do something to protect the American people from this existing and threatened anarchy, and if you men could see those letters coming from your districts you would not object to their going into the RECORD, because your constituency is going to ask you about it when you get home.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLANTON. I thank you for the time consumed.

Mr. FERRIS. I yield to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman, 47 years ago a man, wife, and six sons, whose ages ranged from 2 to 13 years, drove three covered wagons from Illinois, crossing the Missouri River at Plattsmouth, Nebr., upon a ferryboat, and proceeded 100 miles westward into York County, locating a homestead, where four daughters were afterwards born. Habits of industry were induced with those 10 children by example of parents, and urgent need to break the prairie for planting; each year came many increasing acres for cultivation, sometimes experimental, to prove the value of soil and climate, setting a standard for others to follow of sowing and reaping.

The geography at that period of our history showed across the map of Nebraska in ragged lines, as where land and water meet, upon which was printed "the great American desert," and so it was then, and so it would be now except that our Government offered intrepid men, who would brave privation, toil, and hardship of producing crops where none had ever grown, 160 acres of land. Beyond doubt no new section has rewarded pioneer equal to Nebraska, with deep, rich, black soil, over which God drives his sprinkling cart, then comes sunshine and generous harvest.

In memory of those hard and happy years, deprived of ease and comfort, destitute of luxury, defying rigorous weather, those pioneers and native born, by life's work, earned the land twice over.

Now comes the farther West, from a section still harder to conquer, with rocks and desert, devoid of rainfall or rich prairies, but men from each State, proud to be part of this great Nation, note the State's numbered star in Old Glory, asking laws which encourage the pioneer.

The East seeks to protect those lands from imaginary foes, when its only foe is law, which denies title to the toiler who would improve it, who would give his life's work to reclaim it.

The people of those States love Uncle Sam, asking in return the trust of eastern men and the law which says to them, "Make this soil produce." If there was danger, the western man would first see and sound alarm.

What man of you, if owning a hundred wild mustangs, would not give some wrangler one of them for breaking all of them to saddle?

This legislation is guaranteed by men whose loyalty to our Government is beyond measure, and is introduced here with rugged honesty and sincerity of purpose for our Nation's good.

Mr. FERRIS. Mr. Chairman, is the chairman of the committee pressed for time? Can we help him by giving him some time?

Mr. SINNOTT. I am going to yield nine minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for nine minutes. [Applause.]

Mr. MONDELL. Mr. Chairman, I want to congratulate the committee and I want to congratulate the country on the legislation which the committee has presented to the House. I do not mean to say that I think the bill is perfect. I have about made up my mind I am very hard to please in the matter of an oil and coal leasing bill. This bill or a bill similar to this in the main passed the House about six years ago and regularly during each of the last three Congresses we have passed an oil and coal leasing bill along the general lines of this bill. I think it has been a better bill every time it has been reported, and I think this bill, with its faults—and it has some faults, in my opinion—is the best bill that has been reported. It is similar in the main to the bill of the last Congress, and where changes have been made I think in the main the changes are improvements. Progress was made in improvement of the bill this time, as it has been each time the bill has been reported. I want to emphasize one fact. This bill is at last just what it purports to be, a leasing bill. I am very glad of that, because I am one of those who have insisted from the beginning that this leasing legislation should provide for leasing exclusively and should contain no provision for the passing of title. I was very greatly surprised at the statement of the gentleman from New York [Mr. GRIFFIN] in regard to the bill. I hope he has read it, but I am not sure, from what he said, that he ever has. I hope he has given it some consideration, but I doubt it. Whatever criticism may be legitimately made against this legislation, it can not be legitimately criticized on the ground that it is legislation aiding or encouraging monopolies. On the contrary, if that were true, then all the reformers calling themselves conservationists, all of the good people who have wanted to cure the evils which they insist arise out of private ownership of these lands, have been wrong from the beginning, and it is rather late in the day for gentlemen to urge that legislation, demanded not by the people in the West where these lands are but by well-meaning gentlemen mostly in the East calling themselves conservationists and believing themselves reformers, is legislation that aids and abets and encourages monopoly.

Under this law every acre of the public domain containing coal and oil now in public ownership, or the title to which has not passed into private ownership, is held perpetually in the Government, and with the control over the land and its products that the retention of title in the Government insures. The leases are carefully guarded and the areas that may be leased limited—rather too limited, some folks think. The control over the mining operations is constant and the public interest safeguarded as far as it is humanly possible to do so in legislation of this sort. Some gentlemen complain because the House committee did not retain in the bill two sections placed hurriedly on the bill at the eleventh hour by the Senate without debate or consideration—two sections claimed to be aimed at monopoly and monopolistic control. I am frank to say that I do not know how much virtue there may be in those two propositions, as they were written in the Senate bill separate and apart from this legislation, but I do know that when the Congress goes into the question of attempting to further limit and control the activities of those carrying on large operations, it should be done after consideration by the proper committee of the House and in connection with legislation dealing with and related to such matters and not as an eleventh-hour adjunct of a bill relating to the leasing of the public domain.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. In a moment. Bills similar to this have passed the House three times, when there was a Democratic majority, without any legislation of that sort; so it seems to me at least gentlemen on that side, who might at any time within the past six years have advanced that sort of a legislative proposal, are estopped now from complaining because the fourth time the House is asked to consider and pass legislation of this character the committee has not seen fit to take up questions that have never been considered heretofore in connection with the legislation.

Mr. RAKER. Will the gentleman now yield?

Mr. MONDELL. I yield.

Mr. RAKER. Will the gentleman inform the committee how the House can legitimately dispose of a provision placed on a bill by the Senate by just simply shutting their eyes and saying, "We will not act on it"? Is that the way to do?

Mr. MONDELL. Well, I do not know that the House has done anything of the kind. I do not know just what considerations influenced the committee, but I know what had I been a member of the committee. I would have felt that whatever may be the merits of these propositions—and, in my opinion, in their present form they have little merit—whatever may be their merits this is no time or place to pass on them, because when we pass on questions of that kind we should pass on them as they relate to industry generally and not to one limited class of operations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. If the gentleman will permit me to suggest to him, we have testimony covering 87 pages here of hearings which the committee gave to this very amendment.

Mr. MONDELL. I have no doubt the committee gave it careful consideration.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Oklahoma [Mr. FERRIS] has six minutes remaining.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the balance of our time to the gentleman from Oregon [Mr. SINNOTT].

The CHAIRMAN. The gentleman from Oregon is recognized for six minutes.

Mr. SINNOTT. Mr. Chairman, comment, insinuations, and imputations have been made by various Members about the elimination of sections 40 and 41 of the Senate bill. As chairman of the committee I feel it my duty to answer these insinuations. Let me tell the House briefly why those amendments were eliminated.

In the first place, the committee hearings disclosed that these amendments were put on in the Senate with practically no consideration, although far-reaching in their character, on the last day, when the matter was under consideration, with a debate, including comments and copies of the amendment that did not occupy a column and a half of the CONGRESSIONAL RECORD. We set aside our rule not to have hearings on the bill and invited before the committee the author of these amendments, so that he might explain them. The first amendment declares arbitrarily that stock which is held to-day by virtue of the decree of the Supreme Court can no longer be held. The holding of that stock to-day is a valid and vested right by virtue of the decision of the Supreme Court of the United States. The author of this amendment was asked upon what principle of law he predicated the right to compel a man to divest himself of his vested property. His sole reply was that he was not a lawyer.

As to section 41, let me skeletonize it to you by striking out the parenthetical phrases between the first and last. Read it in its bare skeleton form, and what does it say? It says:

> It shall be unlawful for any corporation * * * to sell * * * at a different price than * * * is sold * * * by any other corporation * * * when the stockholders of such corporation * * * own or control 25 per cent * * * of the stock of such other corporation.

So under that if the stockholders of corporation A own 25 per cent of the stock of corporation B the oil sold by corporation A has to be at the price sold by corporation B. Let us say that corporation B is the Standard Oil Co.; one shareholder in the Standard Oil Co. owing 25 per cent of its stock or a group of Standard Oil stockholders owning 25 per cent of the stock could buy one share of corporation A, a competitor of the Standard Oil Co.; then the stockholders of corporation A would own 25 per cent of the stock of the Standard Oil Co., and the competitor of the Standard Oil Co. would have to sell at the same price as the Standard Oil Co. throughout this country. There never was a provision designed to give the Standard Oil Co. a greater instrument in fixing prices than section 41. It was not so designed by the author. His purposes were commendable and laudable, but he has placed an instrument, should this section 41 be enacted, in the hands of the Standard Oil Co. or any other great company to raise the price over the entire Nation up to the price the Standard Oil desires to fix.

Mr. GRIFFIN. Will the gentleman yield?

Mr. SINNOTT. No; I will not yield now. My time is too short.

That is one of the reasons why the committee eliminated these. These amendments sought to amend the Sherman antitrust law and sections 2 and 7 of the Clayton Act, which are to-day under consideration before the Judiciary Committee. They have these sections under consideration to amend. I saw the chairman of the Judiciary Committee. The Committee on the Public Lands has no original jurisdiction over these matters. The chairman of the Judiciary Committee told me that he would give consideration and heed to these amendments,

that he would investigate them, and if there is any merit in them they will receive the proper consideration. But we felt that these were improperly before our committee. And there is the further reason that, as the author of the measure stated, under section 40 he was seeking to amend the decree of the Supreme Court of the United States in the matter of the Standard Oil dissolution. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act of March 1, 1911 (36 Stats., p. 961), known as the Appalachian forest act, and those in national parks and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas to municipalities: *Provided*, That all right, title, and interest to all helium in the lands or deposits subject to disposition under this act are hereby expressly reserved and shall remain in the Government of the United States: *Provided further*, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry before the Clerk reads the amendment. The committee has stricken out of the Senate bill lines 4 to 19, inclusive, on page 2, and now that it comes before the House does it require an amendment to put it back in the bill or must not the House vote upon it affirmatively?

The CHAIRMAN. The only question under consideration is the substitute offered for the Senate bill. If the gentleman offers an amendment, he will offer it to the House substitute. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 39, line 2, after the words "United States," strike out the following House amendment:

"*Provided further*, That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act."

And insert in lieu thereof the following Senate provision:

"*Provided*, That no alien shall, by stock ownership or otherwise, own any interest in a lease acquired under the provisions of this act, except with a specific provision in such lease authorizing the President, in his discretion, to take over and operate such lease, paying just compensation to the owner for the use of tools, appliances, machinery, and products; or to acquire at the market price all or any portion of the products of such leased property: *And provided further*, That the Secretary of the Interior may require the sale for consumption in the United States of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise, and all certificates for stock hereafter issued in any corporation having such a lease shall specifically and clearly show this provision on the face thereof."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. It is not germane to the substitute offered by the committee.

Mr. RAKER. Mr. Chairman, I want to be heard on the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order that the amendment of the gentleman from California is not germane to the substitute.

Mr. RAKER. I want to be heard. That would present the anomalous situation which I felt, my friends, would be the result—that the bill from the Senate, passed by the Senate, referred to the House, to the proper committee, and by—I know the word to use, but I do not want to be harsh—they could say to return the bill to the House, and the Rules Committee would bring in a rule in that that provision that the Senate put in the bill and passed would not be germane to the original bill. We anticipated that that point would be raised, Mr. Chairman, when we got to sections 40 and 41, and I want to take this opportunity now just to call the chairman's attention and the attention of the Members to the anomalous position that we would be in, namely, that you could not act upon a bill passed by the Senate and sent to the House for its consideration.

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield.

Mr. MAYS. Did the gentleman arrange that the point of order should be made?

Mr. RAKER. I did not.

Mr. MAYS. Why does not the gentleman wait, then, until the Chair rules?

Mr. RAKER. I assumed that I had the right to argue on the point of order as anyone might if he desired, and the Chairman consented; and while I may not be as smooth in presenting it, and while I may be as deep, and may not understand all the parliamentary law covering the subject as well as certain other gentleman, I do at least have my opinion on the matter, and I wanted to call it to the attention of the House and of the country if it becomes necessary, if perchance the Chair is compelled to rule—I do not think he ought to be—but if he is compelled to rule that you can so manipulate and so shape legislation that you can not be heard on it by a vote of the Members of the House——

Mr. MAYS. Does the gentleman admit that the point of order is well taken?

Mr. RAKER. Surely, I do not.

Mr. BLANTON. Mr. Chairman, I want to be heard on the point of order.

Mr. RAKER. I am not through yet. It is up to the Chairman.

The CHAIRMAN. The gentleman from California will be heard.

Mr. RAKER. I want to say further, Mr. Chairman, that this is simply a statement as to the condition, and I anticipate and believe it is a fact that the Rules Committee did not intend to bring in a rule of this kind. I am going to assume that, and take it for granted, until I hear to the contrary that such an effort was made.

Of course, Mr. Chairman, the rule is peculiar. The rule says we shall consider the House substitute. Then it uses other language, to the effect that the debate shall be confined to the substitute.

The CHAIRMAN. Will the gentleman reply to a question of the Chair?

Mr. RAKER. I will if I can.

The CHAIRMAN. Does the gentleman contend that the Members of the House have lost any rights under the rule reported by the Committee on Rules?

Mr. RAKER. I do not think so.

The CHAIRMAN. Then nobody contends that they have.

Mr. RAKER. A point of order is made against it.

The CHAIRMAN. A point of order is made against the germaneness of the amendment.

Mr. RAKER. The germaneness to what?

The CHAIRMAN. To the bill before the House.

Mr. RAKER. Why, Mr. Chairman, that is the bill before the House. That is the point. That is the Senate bill 2775, the bill before the House; and if it was put in the proper form in which every other bill comes before the House, that provision of the bill would have been stricken out by the committee, and the House would have been compelled to vote on that amendment—to vote whether it would retain it in the bill or strike it out.

But clearly the Committee on Public Lands can not come before the Committee on Rules and exclude the consideration of the very Senate bill that is now under consideration before the House. Why, if that should be the rule, they should at least have given the House an opportunity to discuss and act upon it this morning, to be fair and frank and open. This is not a question of germaneness. This is the germ itself. [Laughter.] This is the thing itself, the Senate bill, with every word and syllable in it, and the question is, What will you strike out of that Senate bill?

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Not now; in a moment.

The CHAIRMAN. The Chair is ready to rule. The gentleman from California [Mr. RAKER]——

Mr. BLANTON. Mr. Chairman, I rise on a question of privilege, on behalf of the point of order I have made, in view of the fact that the gentleman from Utah [Mr. MAYS] indicated that there might be a frame-up between the gentleman from California [Mr. RAKER] and the gentleman from Texas. I want to deny any such assertion. If I could, I would not frame up. I will say that to the distinguished gentleman from California.

The CHAIRMAN. The Chair will state to the gentleman from California [Mr. RAKER] that he understands the gentleman to contend that it is not within the province of the Committee on the Public Lands or any committee of the House to strike out an entire Senate bill and substitute another bill. The Chair dissents from that view. The Chair thinks it is perfectly in order and within the power of the committee to strike out anything and provide anything in its place, and that what is substituted becomes the subject matter for the consideration of the House.

On the point of order the Chair holds that the amendment of the gentleman from California opens up a new subject. The provision of the bill which he undertakes to amend provides—

That citizens of another country the laws, customs, or regulations of which deny similar or like privileges to the citizens or corporations of this country shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act.

The gentleman from California seeks to amend that provision by providing—

That the Secretary of the Interior may require the sale, for consumption in the United States, of all or any portion of the products of any leased property in which it appears that any alien has an interest by stock ownership or otherwise, and all certificates for stock hereafter issued in any corporation having such a lease shall specifically and clearly show this provision on the facts thereof.

It clearly appears to the Chair that the provision of the amendment just read, offered by the gentleman from California [Mr. RAKER], opens up a subject that is not provided for in the section of the bill which he seeks to amend, and hence the Chair sustains the point of order.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. Are we to understand, then, that it is your ruling——

The CHAIRMAN. You do not have to get an explanation of the ruling of the Chair. It has already been made.

Mr. GRIFFIN. I am making a parliamentary inquiry.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. GRIFFIN. I will put it in the form of a parliamentary inquiry. I want to know from you, sir, whether you can not offer to substitute the language of the Senate, the original Senate bill, in the place of the substitute bill that comes from this committee?

The CHAIRMAN. That is not a parliamentary inquiry. The Chair decided that question when the gentleman offered it.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I wish to call attention to the provisions of this paragraph with reference to helium. I doubt very much whether in its present form it will accomplish what is evidently desired by the committee. Helium in its pure state is found only in the form of a gas. As the members of the committee well know, it is a noninflammable gas. It is expected that the Government may at some time make use of it to inflate dirigible balloons, and that it will be useful in warfare for the reason that it will not take fire from explosive bullets. But in its natural state it is always found combined with other elements, and in substances of which it is never, so far as I know, the principal component part. In fact it is only a very small part of the substance in which it is combined.

Mr. SINNOTT. The statement which the gentleman has just made is correct, and that fact is acknowledged and recognized in section 38 of the bill. The matter of the extraction of it is taken care of.

Mr. GREEN of Iowa. I thank the gentleman for the information.

Mr. SNELL. I move to strike out the last two words, for the purpose of asking a question of the chairman of the committee. Under the provisions of this bill—

Citizens of another country the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this act.

As I understand it, the British Government does not allow any alien to own any oil lands under the control of that Government. According to this act, what would be the result if a British subject owned stock in any one of our oil companies? What would be the situation in which he would find himself?

Mr. SINNOTT. If the British Government discriminates against us, we meet that discrimination by denying to its citizens the rights that are withheld from us.

Mr. SNELL. If I were a British subject and held some stock in one of these oil companies, would I be forced to sell it?

Mr. SINNOTT. The stock could be declared forfeited, under the forfeiture clause in the bill.

Mr. SNELL. There is no protection then for any foreigner who happens to own stock in one of our oil companies, is there?

Mr. SINNOTT. Not if his Government denies us the same rights.

Mr. SNELL. I understand the British Government forbids aliens to own or control any of their oil lands.

Mr. SINNOTT. That representation has been made to the committee, and to individual members of the committee.

Mr. SNELL. Does the gentleman know whether it is true or not?

Mr. SINNOTT. I have no reason to doubt the representation.

Mr. SNELL. Then a British subject would be obliged to forfeit or sell his stock, and get out of the company as quickly as possible.

Mr. SINNOTT. That would be the interpretation I would place upon the law.

Mr. WALSH. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Under the rule which provides for the consideration of this bill, if a motion is made to strike out section 1 of the House substitute, as it is called, and if that motion prevails, does that of its own force put into the bill section 1 of the Senate bill?

The CHAIRMAN. Certainly not. It simply strikes out what the motion provides shall be stricken out.

Mr. WALSH. If you strike out section 1 of the substitute, what becomes of the section for which it was a substitute?

The CHAIRMAN. The rule provides—

That the reading of the Senate bill shall be dispensed with and for the purpose of amendment the House committee substitute shall be considered as an original bill.

So that there is nothing before the Committee of the Whole except the House substitute, which is considered as an original bill.

Mr. WALSH. And in order to preserve a section in the Senate bill some other language must be included in the motion, if a motion is made to strike out?

The CHAIRMAN. Without a doubt.

Mr. WALSH. I wanted that to be made clear at this stage of the proceedings.

Mr. RAKER. Mr. Chairman, I offer an amendment, in line 2, page 39, to strike out all after the words "United States" down to and including line 7.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 39, line 2, after the word "States," strike out the remainder of the paragraph.

Mr. RAKER. Mr. Chairman, we are in an anomalous position, and I say without fear of successful contradiction that no such thing as this has ever occurred in nine years. It may have occurred before, but I do not believe it ever did, that when a bill is considered by the House the provisions of that bill are considered not germane to the matter before the House.

This amendment changes the present law. There is no reason for it; there is no justification for it, and I ask any member of the committee if there was one word of testimony or one word in the way of a hearing, except statements presented——

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. Not for a moment. As I stated a while ago, I want to state again, on this motion to strike out you are saying under the provisions of this amendment that citizens of any foreign country that permits foreigners to own mineral lands may, by owning stock in corporations, obtain control of the vast mineral resources of this country. Then you discriminate. There is no need of saying now that the question of stock ownership is not involved, because the bill says that a citizen of a country that does not permit mineral ownership by an American citizen can not own stock in a corporation of the United States that applies for a lease. That is what you say. Guatemala does not permit an American citizen to own any of its sodium or phosphates.

Mr. BAER. Will the gentleman yield?

Mr. RAKER. Not for a moment. Therefore a citizen of Guatemala can not own any interest in these mines in this country. Venezuela does permit any alien, including citizens of the United States, to own an interest in the minerals of that country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time may be extended for five minutes. Is there objection?

Mr. SINNOTT. Mr. Chairman, we have been very indulgent to the gentleman from California, and I object.

Mr. RAKER. You have not been indulgent to me, and, Mr. Chairman, I make the point of no quorum. You will have to have a quorum here all the time. I want to say that we want this matter considered.

The CHAIRMAN. The gentleman from California makes the point of no quorum, and the Chair will count.

Mr. RAKER. Mr. Chairman, there seems to be more here than I thought at first, and I withdraw the point of order. I ask unanimous consent that I may have two minutes, because there is one matter that I did not have time to mention.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may proceed for two minutes. Is there objection?

Mr. BLANTON. Mr. Chairman, the gentleman from California has had 40 minutes, and I object.

Mr. FERRIS. Mr. Chairman, the gentleman from California has received generous treatment as to time. The House has always been generous to the gentleman from California. They have always rewarded his very great industry. The gentleman should not show temper when he does not always have his own way. He is so much more fortunate than most of us in always having his own way. He is a strong Member of the House. His services are always faithful and earnest.

Mr. SINNOTT. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. SINNOTT. Is it not a fact that we are providing for the consideration of the bill exactly in the same form in which it was considered last year by unanimous consent?

Mr. FERRIS. Precisely; and I was going to come to that. Many, many times in every Congress since I have been here this procedure has been had; usually by unanimous consent, it is true, but nevertheless the same procedure. And for the gentleman from California to be railing against this procedure seems to me is not well taken.

Mr. RAKER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. RAKER. Would not the gentleman say to the House that there has never an instance occurred, by unanimous consent or otherwise, where a Senate bill was eliminated and you could not go back and offer a part of the Senate bill as an amendment?

Mr. FERRIS. I say that that very thing has happened, not once but many times, in the 14 years I have been here. There is nothing new or novel about this procedure to have a House bill considered instead of a Senate bill.

Mr. CARTER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. CARTER. I will say that when the bill was passed for the sale of the segregated mineral lands of the Choctaw and Chickasaw Nations, exactly that procedure was adopted and no amendment was permitted of any Senate provision when the bill was brought in.

Mr. FERRIS. My colleague is right. It has been done so many times that it is almost the rule, instead of the exception, usually by unanimous consent, and the records of the Public Lands Committee will show that fact. The procedure is what happens all the time. The Senate passes a bill, sends it over here, the House amends it, and when it comes up for consideration as an original bill it gives the House the opportunity to amend it, gives the House the opportunity to change it, gives the House the opportunity to do the very thing they want to do, and we are following that course. This is the best way to do it. This is the way to let the House offer any and all germane amendments, otherwise it would be but a simple amendment, and the House could not consider it section by section, which is the correct way.

Mr. GRIFFIN. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. GRIFFIN. This is to prevent the offering of any amendment——

Mr. FERRIS. Oh, not at all; the gentleman from California and the gentleman from New York can now or any time offer any amendment or as many amendments as they like. This procedure enables them to do what they like. Of course, they must be germane amendments, and I submit that is the way it should be. So far as I am concerned, I would prefer to vote on the gentleman's proposal and dispose of it in that way.

Mr. GRIFFIN. You are preventing us from going back to the Senate language and offering that as an amendment.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. EVANS of Nebraska. What is the object in restricting persons who may be members of corporations in the latter part of section 1, in the last proviso?

Mr. SINNOTT. That merely relates to the alien stock ownership; there is no restriction in section 1 on corporations securing a lease.

Mr. EVANS of Nebraska. Why not let in alien stockholders?

Mr. SINNOTT. Some foreign countries discriminate against citizens of the United States in stock ownership.

Mr. EVANS of Nebraska. The general purpose of the bill is for exploitation?

Mr. SINNOTT. We hope so.

Mr. EVANS of Nebraska. Then why is it not the money of the aliens as good as the money of the citizens?

Mr. SINNOTT. We think our own citizens are entitled first to the development of the oil fields.

Mr. EVANS of Nebraska. Why not strike out the provision that permits any alien to become interested?

Mr. SINNOTT. Because those who discriminate against us, if we retaliate, perhaps they may do away with the discrimination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 12, strike out the words "and lands containing such deposits."

Mr. RAKER. Mr. Chairman, I am going to confine myself to this amendment. I am a little disappointed, although I take it in good nature. I have been active on the committee. I have sought amendments and I have secured many. I have tried to do my duty as a Representative. I was given only 40 minutes on a bill where I should have had enough time to present it fully to the committee. I will get the parliamentarian to look and see if I am not right, but I think there has never been a rule in nine years whereby a Senate provision in a bill could not be considered in the House in considering a Senate bill that it would be ruled out of order because it was not germane. I remember the unanimous-consent agreement last year——

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Not just now. I am not going to take up any more time when I get through. I am going to offer my amendments and get along as rapidly as we can. There was no condition of that kind existing then, but the only purpose was to get it to the House. My 40 minutes were on general debate. I have taken only 10 minutes of the time under the five-minute rule, and as a member of the committee I was disappointed, and I say this with all sincerity.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I withdraw the amendment.

Mr. WALSH. The gentleman can not do it except by unanimous consent.

Mr. RAKER. I ask unanimous consent to withdraw the amendment.

Mr. BLANTON. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

COAL.

SEC. 2. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding 2,560 acres in any one leasing tract; and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding, or by such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this act, prospecting permits for a term of two years for not exceeding 2,560 acres; and if within said period of two years thereafter the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this act for all or part of the land in his permit: *Provided further*, That no lease of coal under this act shall be approved or issued until after notice of the proposed lease or offering for lease has been given for 30 days in a newspaper of general circulation in the county in which the lands or deposits are situated: *Provided further*, That no company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of this act for any coal deposits except for its own use for railroad purposes, and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each 200 miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *Provided*, That nothing herein shall preclude such a railroad of less than 200 miles in length from securing and holding one permit or lease hereunder.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Mr. GRIFFIN offers the following amendment: Page 39, line 9, strike out the whole of section 2 and insert in lieu thereof section 2 of the Senate bill on page 2, lines 21 down to line 20, page 3.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not germane to the substitute now under consideration. It is not germane to the subject as brought in here under the rule.

Mr. GRIFFIN. Mr. Chairman, I desire to be heard on the point of order.

Mr. SINNOTT. Mr. Chairman, I reserve the point of order that the amendment is not in writing.

Mr. BLANTON. I have made the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. GRIFFIN. Mr. Chairman, the proposed amendment inserts, instead of the language of the committee for section 2, the language contained in the Senate bill, as it came over here for our action. In other words, we want to substitute section 2 of the Senate bill as it was passed in the Senate.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. SINNOTT. I wish the gentleman would explain the difference between the two.

Mr. GRIFFIN. It is immaterial what the difference is between the two sections. The gentleman is just as familiar with it as I am, and a great deal more so. The material point is this, that the language of the House committee is sought to be stricken out by the amendment and the language of the Senate bill inserted. It is submitted to the judgment of the Chair that the amendment is not germane. Not germane? What becomes of the rule that anything that pertains to the subject matter of the section may be proposed as an amendment? I am aware that the Chairman has already passed upon the subject, or one phase of it in the amendment to section 1, offered by the gentleman from California [Mr. RAKER]. The Chairman has already committed himself on that proposition, and I presume, if he is to be consistent, he will make a similar ruling here; although a distinction might well be made. The language of section 2 of the Senate bill is nearer to the subject matter than the language of section 1, which the gentleman from California proposed to substitute for section 1 of the House bill.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. So that in that regard I think, perhaps, the Chairman has a chance to escape from his own ruling; but whether the language is similar or not, whether the matters contained in any section of the Senate bill may be more numerous or less numerous than those provided for in the committee substitute, whether or not there is this difference, or any difference, the substitution of a Senate section for the corresponding committee section is in order.

Several gentlemen rose.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's argument is not to the germaneness of his amendment.

A MEMBER. The gentleman is not addressing the Chair.

Mr. GRIFFIN. I am trying to do so, Mr. Chairman, but there are gentlemen standing on the other side who seem to be anxious to interrupt me. However, let me appeal to the Chairman on this matter as a parliamentary proposition.

The CHAIRMAN. The Chair desires to hear the matter discussed from a parliamentary standpoint.

Mr. GRIFFIN. I maintain that there is a difference between my amendment and that which was proposed by the gentleman from California. In the case of section 1 of the Senate bill, which he proposed to introduce in place of——

Mr. BAER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Dakota can not take the gentleman from New York off his feet with a parliamentary inquiry.

Mr. GRIFFIN. In place of the committe bill, both language and the matter varied; but in this section, if the Chairman will observe, not only is the matter identical but almost the language as well. There is very little variation between the two, but independent of that I still maintain this proposition, that an amendment is germane so long as it adheres to the general subject matter.

The CHAIRMAN. The Chair is ready to rule.

Mr. GRIFFIN. Will the Chair pardon me for a moment?

The CHAIRMAN. Certainly.

Mr. GRIFFIN. I want to make one statement. The gentleman from Oklahoma stated that the method by which this bill has been substituted for the Senate bill gives us an opportunity to amend. My amendment is an illustration, if you please, as to whether or not we can amend this bill by substituting the language of the Senate bill.

The CHAIRMAN. The point of order is made. As the Chair understood the gentleman from New York, he was trying to convince the Chair that the point of order should not be sustained. The Chair begs to say to the committee that he has read both these sections—the section provided in the Senate bill and stricken out by the House committee and the section reported by the Committee on Public Lands in the House bill—and the matter contained in the section of the Senate bill is all contained in the section of the House bill; but the House bill contains more than the Senate bill. The gentleman from New York offered an amendment to strike out all of the House section and substitute for it the Senate section, which the Chair believes is in order and overrules the point of order. The question now is on the adoption of the amendment.

Mr. WELLING. Mr. Chairman, a point of order that the amendment offered by the gentleman from New York has never been reported to the House, and we do not know what we are voting on.

The CHAIRMAN. The Chair thinks the gentleman is mistaken.

Mr. BLANTON. Mr. Chairman, I took it for granted the Chair, in not giving me a chance to be heard for a moment, was going to rule in favor of the point of order, and I would like to be heard for just a moment.

The CHAIRMAN. It is not fair for the gentleman or any other gentleman on the floor to take for granted what the Chair is going to do. The Chair has already ruled and the question now is on the amendment which the Clerk will report.

The Clerk read as follows:

Page 39, line 9, strike out the whole of section 2 and insert in lieu thereof the following: Section 2 of the Senate bill, on page 2, line 25, down to line 23 on page 3.

Mr. BLANTON. Now, Mr. Chairman, I make the further point of order that the amendment is not in order, because it is not germane to the legislation which is brought before the House under the rule and which is now under consideration.

The CHAIRMAN. The Chair has just ruled it is in order and, of course, the gentleman's point of order would not be proper just now. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That any person, association, or corporation holding a lease of coal lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I simply desire to call attention that this section of the House bill is identical with the section of the Senate bill so as to show that practically all the bill except the particular amendments to which I have called the attention of the committee is legislation which passed the House before——

Mr. BLANTON. Mr. Chairman, I regret to do it but I make the point of order that the distinguished gentleman from California is not speaking to his amendment, which is to strike out the word "acres."

The CHAIRMAN. The gentleman from California will proceed in order.

Mr. RAKER. Now, Mr. Chairman, I ask unanimous consent that I may print in the RECORD the Senate bill as it passed the Senate and the House bill as reported, paralleling each other section by section.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of 2,000 pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine

or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring contitnuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss.

Mr. SINNOTT. Mr. Chairman, I offer an amendment on page 43, line 16, to strike out the word "may," where it first occurs, and substitute therefor the word "shall."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 43, line 16, strike out the word "may," at the beginning of the line, and substitute therefor the word "shall."

The question was taken, and the amendment was agreed to.

Mr. EVANS of Nebraska. Mr. Chairman, I move to amend by inserting after the word "time," in the second line on page 44, the words "in any 18 months' period."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Evans of Nebraska: Page 44, line 2, after the word "time," insert the words "in any 18 months' period."

Mr. SINNOTT. Mr. Chairman, I see no particular objection in that amendment, except I think the matter ought to be left to the discretion of the Secretary. Certain contingencies might arise, and I do not think that his discretion should be limited. That is the only objection I have.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to municipal corporations to prospect for, mine, and take for their use coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this act as in his opinion will safeguard the public interests: *Provided*, That the Secretary of the Interior may issue such limited license or permit, for not to exceed 320 acres for a municipality of less than 100,000 population, and 1,280 acres for a municipality of not less than 100,000 and not more than 150,000 population; and 2,560 acres for a municipality of 150,000 population or more, the land to be selected within the State wherein the municipal applicant may be located, upon conditions that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the holding of such tract or operation of such mine under said limited license.

Mr. SINNOTT. Mr. Chairman, I offer an amendment to clarify the section. Line 16, after the word "and," page 44, insert "not to exceed," and also in line 19, after the last "and," insert "not to exceed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Page 44, line 16, after the word "and," insert the words "not to exceed," and page 44, line 19, after the second "and," insert the words "not to exceed."

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment:

Page 44, lines 21, 22, and 23, strike out the following words: "The land to be selected within the State wherein the municipal applicant may be located."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 21, after the word "more," strike out the following language: "The land to be selected within the State wherein the municipal applicant may be located."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RAKER. Mr. Chairman, the only purpose of this amendment is that I think it will clarify the section and avoid any clouding of the real condition. The way it is now, a city in Nebraska would have to get its coal in Nebraska. If you strike out this language, and I think it ought to go out, there would be no limitation, and there ought not to be. Any city that desired to obtain coal under the provisions of this act could obtain it and have a municipal coal supply, instead of limiting it to any particular State. In other words, a city in Utah would get coal in Utah. A city right over the line, in Idaho, could not get any coal in Utah. In Colorado, a city in the West outside of Colorado would get none of the benefits of the act. And there is no reason why the large cities in the particular States where they are located should be given an exclusive right to have the benefits of this, whereas if there are other cities in the United States that provide a municipal coal supply for their people in order to keep them warm and give the necessary heat and light, and the necessary comforts to make them happy, they ought to have the opportunity, and they should not be cut off by State lines. It is not a State-line proposition. It has no relation to the States. The property belongs to the Government and not to any particular locality and not to any particular district. But I repeat again, that any city that is up to date and progressive and desires to furnish its poor people with heat and light and things to live on would not be able to get them according to the provision of this section. The provision ought to be taken out so as to leave it as clear as it can be, without confusion or otherwise.

Mr. KINKAID. Mr. Chairman, I am heartily in favor of the amendment. It seems to me it would be unfair to restrict it to States where the municipalities exist, because there are some States where no coal can be found at all, and in most of the States there are no public lands at all. Nebraska is a State without a single coal mine. I think that in order to be fair the amendment ought to be adopted so as to allow municipalities in all of the States equal rights. So I shall vote in favor of the amendment, if I understand it correctly.

Mr. TAYLOR of Colorado. Mr. Chairman, the Public Lands Committee has thrashed this matter out exhaustively. If there is any one provision in this bill that I have been most interested in, it is this section 8. I have been fighting for a law that would allow cities and towns to locate and open up and operate a municipal coal mine for 10 years in this House. But we have always limited it to the towns and cities within States in which the coal mines are situated. If any outside city wants to come into Colorado or Utah or North Dakota, or into any other public-land State that has coal in it, and buy patented coal lands and operate a coal mine, there is nothing to prevent it from doing so. But Secretary of the Interior Fisher and Secretary Lane were both opposed to and deemed it contrary to public policy to allow all of the cities of the United States to go and make a location of the public coal lands within the States that have coal. This is a local matter. To prevent local extortions and give the municipalities in the immediate vicinity of large coal areas an opportunity to obtain cheap coal for their own domestic consumption——

Mr. SINNOTT. Will the gentleman yield there?

Mr. TAYLOR of Colorado. I will.

Mr. SINNOTT. What effect will the elimination of this provision have upon the rental the Government will get and the States will get?

Mr. TAYLOR of Colorado. Why, nobody else would develop the coal mines. It would make the whole provision absurd. That is all there is to it. It simply means it will kill that section and prevent any municipality from obtaining any benefit from being located near vast quantities of idle Government coal. The committee, as I say, has so thoroughly considered this subject, I hope the amendment will be voted down. I have always had to fight the big coal companies on this matter. I am trying to give poor people cheap coal, where they live near millions of tons of coal, and it ought to be furnished to them cheap. If coal companies will be halfway reasonable, the municipalities will not go into the coal business.

Mr. RANDALL of California. This bill does not attempt to dispose of any coal that belongs to the State of Colorado.

Mr. TAYLOR of Colorado. No; but it allows people to open up and operate coal mines under the protection of Colorado's laws and use Colorado's good roads and courts and schools, and pay mighty little taxes on the land that they merely lease.

Mr. RANDALL of California. It belongs to the Government of the United States, and belongs to the State of Nebraska just as much as to Colorado.

Mr. TAYLOR of Colorado. It does not belong to either the State of Nebraska or to the municipalities throughout the United States.

Mr. RANDALL of California. It belongs to the municipalities of Nebraska as much as to the municipalities of Colorado.

Mr. TAYLOR of Colorado. Mr. Chairman, we have never adopted a policy——

Mr. RANDALL of California. You had better adopt one now.

Mr. TAYLOR of Colorado (continuing). Of allowing residents of one State to be Federal tenants of the public domain within some other State.

Mr. SINNOTT. And this would make a municipality amenable to the laws of another State.

Mr. TAYLOR of Colorado. This amendment is entirely illogical, impracticable, and ridiculous. It can not benefit anyone but the big coal operators and will prevent any municipality from getting coal at a fair price, and I ask that the amendment be rejected.

Mr. RAKER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. RAKER. This amendment was never in that bill before until it came from the Senate, and the House simply took this out of the Senate amendment. Is not that right?

Mr. TAYLOR of Colorado. No; it is not right.

Mr. RAKER. I am talking about this provision as to 100,000 and 200,000 population.

Mr. TAYLOR of Colorado. The Senate has made various amendments of my bill. This section 8 of this bill that you are trying to amend is what is left of my original municipal coal bill, the same bill that Secretary Fisher and Secretary Lane both favorably recommended and the Public Lands Committee has three times given us a favorable report upon.

Mr. RAKER. I am talking about these municipalities being confined in the States. That is a new provision in this bill, is it not?

Mr. TAYLOR of Colorado. No; it is not. I have had it in the bill always. The Interior Department always required that, and our committee always did, and I can not understand why the gentleman sees so many mare's-nests in this bill that we have so carefully prepared. In fact, we have gone over and over and over this bill and this identical provision until it has become honey and bald-headed, and all the rest of us want to pass this bill and have it become a law sometime.

Mr. RAKER. I want to say that it has not been in any other bill that has passed the House.

Mr. TAYLOR of Colorado. It would be ridiculous to permit every city and town in the United States—New York, Boston, Philadelphia, and all other cities—to be locating and operating a coal mine out on the public domain in some of the Western States. None of those cities are asking for this amendment. If any Member wants that kind of a law, let him introduce such a bill and work as long and hard as I have toward trying to help relieve the cities and towns of my State from the extortions of the big coal companies. But do not try to kill this measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. RAKER) there were—ayes 12, noes 32.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt.

MINING OF COAL, PHOSPHATE, OIL, ETC.

The committee resumed its session.

The Clerk read as follows:

PHOSPHATES.

SEC. 9. That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt.

Mr. BAER. Mr. Chairman, I was called out for a moment. I ask unanimous consent to return and add a separate section after section 8, to be numbered as section 9.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to return to section 8 for the purpose of offering a separate section at the end of section 8. Is there objection?

Mr. SINNOTT. I understand it is not an amendment to section 8, but it is for the purpose of adding an additional paragraph?

Mr. BAER. An additional section.

Mr. SINNOTT. A subsection?

Mr. BAER. Yes; a subsection.

Mr. BLANTON. Reserving the right to object, Mr. Chairman, will the gentleman tell us what it is?

Mr. BAER. It is an amendment giving the States the same rights under the provisions of this act as the municipality has.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman will send up his amendment, and the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BAER: On page 45, at the end of section 8, following line 4, insert a new section, as follows:

"SEC. 8a. That, subject to the provisions, limitations, and conditions of this act, the Secretary of the Interior is authorized to issue leases for coal owned by the United States and the lands containing same to any State of the United States the constitutional laws of which authorize it to engage in the business of mining, extracting, treating, and disposing of such mineral deposits."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BAER. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 8, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That each lease shall be for not to exceed 2,560 acres of land to be described by the legal subdivisions of the public-land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior for the survey of public lands, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form.

Mr. RAKER. Mr. Chairman, I move to amend on page 45, line 18.

The CHAIRMAN. The gentleman will send his amendment up.

Mr. RAKER. That is all right. Strike out "prescribed by the Secretary of the Interior for" and insert in lieu thereof "governing the survey."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: On page 45, line 18, after the word "regulations," strike out the words "prescribed by the Secretary of the Interior for" and insert in lieu thereof the words "governing the survey."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, since the beginning or the adoption of the public-land laws the law has stood as I have offered the amendment, that it shall be governed by the laws, rules, and regulations governing the survey of public lands.

This amendment of the House committee, which I believe should be changed, authorizes the prescribing of rules and regulations by the Secretary of the Interior for this survey. There is no reason for it except to make additional expense and cost. The House passed it three times, the Senate passed it twice, the conferees agreed upon it, and it is only natural and proper that the survey should be made according to the rules and regulations governing the survey of public lands instead of in each particular instance allowing the Secretary of the Interior on each particular application, or by general rules, if you please, to make regulations governing the surveys of these particular phosphate claims, instead of following the rules and regulations for public-land surveys.

Mr. MAYS. Will the gentleman yield?

Mr. RAKER. I do not yield just now. That being the case, you had unnecessary trouble and complications and you make the matter uncertain. There are rules and regulations already established that everybody knows, and you continue the survey of the remaining public lands according to the mode and method of surveying the public lands which now prevails. This matter was gone into fully before in the committee, and in the hearings the question was asked of Mr. Finney, who always appeared before the committee; but this time, for some reason, this provision has unfortunately crept into the substitute.

Mr. TILSON. Is the gentleman sure that his amendment is correct? As I heard it read from the Clerk's desk it seems to me that the gentleman will have a duplication of language, certainly of the word "survey," unless he omits that word.

Mr. RAKER. I think the gentleman is right on that, and I ask to modify my amendment by striking out the word "survey." Then it will read:

Under the laws, rules, and regulations governing public-land surveys.

The CHAIRMAN. The gentleman's time has expired.

Mr. SINNOTT. Mr. Chairman, this matter was thoroughly considered in the committee. This language was placed in the bill because some of the laws for the survey of the public lands are misfits and can not be made workable, and we want to give the Secretary of the Interior the right to establish rules and regulations.

Mr. RAKER. Will the gentleman yield, in his time, for a question?

Mr. SINNOTT. I have yielded the floor.

Mr. TAYLOR of Colorado. Mr. Chairman, the object of the committee in putting this language into the bill is to avoid the very thing that the gentleman from California [Mr. RAKER]

says it will cause. The language of the bill as it is will avoid the utterly unnecessary and useless expense, prolonged delay, and useless hardships which the gentleman's amendment would cause.

Mr. RAKER. Will the gentleman yield?

Mr. TAYLOR of Colorado. Not just now. I did not interrupt the gentleman at all, notwithstanding he has talked for an hour and a half here to-day.

Mr. RAKER. That is all right. The gentleman can be courteous and yield if he wants to, but he does not have to.

Mr. TAYLOR of Colorado. I do not mean to be discourteous, but I do not want to be interrupted before I get started. Under the present elaborate and obsolete system of conducting public-land surveys, if a person wants to go and take up a piece of unsurveyed land—I do not care if it is only 40 acres—under the volume of rules and regulations of the United States Land Office and the United States surveyors general he will have to wait probably from one to three years, and then have a whole township surveyed, which would bankrupt any ordinary man, in order to get the one little piece of ground. Under the provision which we have in this bill the Secretary of the Interior can authorize a United States deputy surveyor to go ahead and run out this particular land, just as he would a mining claim, and allow his permit or lease within a very short time and at very little expense.

Mr. EVANS of Nebraska. Under what theory would he have to survey a whole township in order to get 40 acres run out?

Mr. TAYLOR of Colorado. If the gentleman is familiar with all the surveying regulations of the Government in surveying in the mountains he will find out.

Mr. EVANS of Nebraska. I know about them.

Mr. TAYLOR of Colorado. If a homesteader on unsurveyed public domain wants to get his numbers so he can file or prove up on his 160-acre claim on the public domain, the chances are that the United States surveyor will start from some point 20 or 30 miles away to get a starting point.

Mr. EVANS of Nebraska. There is a stone on every corner.

Mr. TAYLOR of Colorado. Oh, there are no stones or any other corners there. The public domain throughout the mountainous portions of the West, where most of this coal and oil and gas will be found, are largely not surveyed at all, and even where it was once surveyed the corners are largely gone. The idea of this provision is that if we are compelled to comply with the regular surveyor's manual and with all the department rules and red tape and delay with regard to surveying the public domain throughout that portion of the country wherever a claim is located it will entirely prevent most poor people from getting any leases at all. The object of this language is to avoid that situation and allow the Secretary to adopt some simple, expeditious, inexpensive, and practical course that will fit the situation.

The CHAIRMAN. The question is on the amendment of the gentleman from California. Those in favor will say "aye."

The affirmative vote was taken.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Those opposed will say "no." The noes appear to have it, the noes have it, and the amendment is rejected. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I was on my feet demanding recognition.

The CHAIRMAN. The Chair did not see the gentleman, and the question was being put, and has been put and decided. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word and is recognized.

Mr. MONDELL. Mr. Chairman, I have been trying for a long time to have all the provisions contained in this bill with regard to the survey of the unsurveyed public lands made the same and to have them of a character to fit the situation. The amendment offered by the gentleman from California [Mr. RAKER] would not improve the language now in the section. It would, rather, confuse a provision that is not really clear. As a matter of fact, in line 19 the words "for the survey of public lands" should be stricken out, and the language that should be used, not only in this case but in all cases with regard to these surveys, should be—

In accordance with rules and regulations prescribed by the Secretary of the Interior.

There are no rules and regulations now prescribed by the Secretary of the Interior with regard to the survey of the public lands that would fit these conditions, but the Secretary of the Interior must prescribe rules and regulations under which these surveys shall be made, and the committee have so provided; but I think they have inadvertently left in the bill the words "for the survey of public lands." If those words were stricken out in this provision and in all the other provisions of the bill having to do with surveys, it would then leave the Secretary with full authority to make such rules and regulations as in his opinion were necessary to make these surveys.

Mr. TAYLOR of Colorado. That is what the committee wants to do.

Mr. MONDELL. I agree with the committee; but what the committee proposes to do could, in my opinion, be done more clearly and definitely and beyond question if the words "for the survey of public lands," in line 19, were stricken out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. I ask unanimous consent that the words referred to by the gentleman from Wyoming, in line 19, "for the survey of public lands," be stricken out.

The CHAIRMAN. The gentleman will have to go back to the section before he can do that.

Mr. SINNOTT. I ask unanimous consent to return to the section for that purpose.

Mr. RAKER. I object.

Mr. MONDELL. We have not passed that section; the Clerk has not read the next section. It is not necessary to move to go back to it. I was on my feet demanding recognition at the time and before the amendment was voted on.

Mr. BLANTON. A point of order, Mr. Chairman. The gentleman is clearly mistaken, because the Clerk had already read the succeeding section.

The CHAIRMAN. The Chair begs the pardon of the gentleman from Wyoming. The Chair does not agree with the statement just made that the Clerk read section 11. The question was on an amendment offered by the gentleman from California, and it was voted upon. It was rejected, and the Clerk was directed to begin the reading of section 11.

Mr. MONDELL. The Clerk was directed to begin the reading, but he had not begun the reading; and I was on my feet demanding recognition. I was on my feet demanding recognition before the vote upon the amendment offered by the gentleman from California. So the Clerk did not proceed with the reading.

The CHAIRMAN. The gentleman from Wyoming may have been on his feet, but the gentleman from California had taken his seat before the vote on his amendment was taken. The gentleman from Wyoming will concede the right of the Chair not to have seen the gentleman from Wyoming until after the amendment was voted on?

Mr. MONDELL. No; I do not concede that; but certainly I was on my feet demanding recognition.

The CHAIRMAN. The gentleman from Wyoming does not claim the right to the floor until he is recognized, does he?

Mr. MONDELL. I do not think that I ought to discuss that with the Chair, but I think a Member has a right to the floor when the amendment is before the House and debate is not exhausted, as it was in this case.

The CHAIRMAN. There is no need of a controversy about it. The Chair did not recognize the gentleman from Wyoming until after the amendment was voted on.

Mr. MONDELL. And then the Chair did recognize him.

The CHAIRMAN. Yes.

Mr. MONDELL. So we are still on that section.

Mr. LONGWORTH. Mr. Chairman, I am inclined to think that a bill of this importance demands a larger attendance than we have here.

Mr. HUDDLESTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. LONGWORTH. Well, Mr. Chairman, I will not make the point now.

Mr. SINNOTT. Mr. Chairman, I understand that we are on section 10 at the present time?

The CHAIRMAN. Yes.

Mr. SINNOTT. Mr. Chairman, I move to strike out, in line 19, page 45, the words "for the survey of public lands."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 19, after the word "interior," strike out the words "for the survey of public lands."

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. I hope the amendment will not be adopted. It is bad enough the way it is in the bill. The committee said in accordance with the rules and regulations prescribed by the Secretary of the Interior, in substance, shall be for the survey of public lands. It was not necessary for the survey of a particular claim to survey an entire section or township, but this allows an entirely new procedure, allows the Secretary of the

Interior to go out on the public domain, authorize the survey of a claim whereby there might be, as to surrounding public lands, no regard as to connecting up with other surveys, but designating one particular tract for a survey; whereas the policy heretofore has been to keep the public survey in uniform condition. This entirely eliminates the uniformity which now prevails, so that everybody may know what the public-land surveys are and where the land is, so that you can describe it by metes and bounds.

Under this legislation you allow the Secretary of the Interior to make laws and regulations in regard to the survey, and do not even suggest that he shall comply with any regard to the public-lands survey, or any method or any sort of system with reference to the disposition of the remaining public domain. I do not believe that authority ought to be given, or that this new innovation ought to be practiced, as to the remaining part of the public domain.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The question was taken, and the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the section. I do that to submit some general observations on the bill, and I ask leave to extend and revise my remarks after I have used five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I confess that I view this bill with apprehension. I might say that I view it with suspicion. The Government of the United States within a hundred years, with what it received in the way of grants from Mexico and the Louisiana and Alaskan Purchases, has owned more in the way of public lands than was ever possessed by any government or by any people in the previous history of all the world.

We have frittered away those lands until now almost nothing remains. We gave to the railroads enough of our public domain to equal the area of all the States north of the Ohio and east of the Mississippi Rivers. The people of the United States got very little, if anything, in return. The lands went into the capitalization of the railroads. They and their proceeds are yet being carried as railroad assets where they have not been stolen by railroad promoters, and the people of the country are required to pay taxes in the way of rates to pay an income to the railroads on those lands.

The vast public domain carried deposits of gold and silver, and of iron, coal, and other minerals rich beyond the dreams of imagination. What have the people of the United States received of benefits for all those splendid resources of rich surface and priceless minerals?

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Excuse me, please. Of course, we have received very little, if any, benefits. I admit that I do not like to think of our Government as a great landlord of either the surface or of the minerals in the lands, and I should have no great grief if this great wealth of the Nation had been evenly divided out among the people. If the people of the United States who were here then or who have come since, or who are now here, had had divided among them with any sort of equity or equality this great natural wealth, I should not feel so much distressed. But the fact is that nearly all of this, our national resources, has gone into the hands of a few—the few have been the chief beneficiaries. The fact is that nearly all of this wealth of fertile soil and minerals has been monopolized by a few men, who use it not for the honor and greatness of our country, but who use these resources collected into their hands by unjust, oppressive, and frequently dishonest methods as a means of further oppression. They use the resources which were once the common property of all as a further means of exploiting labor and grinding the faces of the poor, as a further means of heaping up greater stores of wealth and aggregating the riches of America into the hands of the few, while the great multitude sinks deeper into despair.

The great concern which fills my heart is, who shall get the benefits of this bill, who shall get the minerals that will be granted under this bill? If they are to go into the hands of the monopolists, who now control practically all the minerals not on public lands, then I would see in the passage of this bill the fall of a calamity on this country.

I shall vote against this bill. I view it with perhaps what some may call unreasonable suspicion, but in the light of the past experience of the people of this country I fear the resources granted by it will eventually go into the hands of the monopolists. I regard these men and their methods as a danger to American institutions, as a danger to the welfare of our Republic, to the future of this country, and to the liberties of the people, and I would not add one hair's weight to their strength or influence. They are not content merely to take for themselves our natural resources, but they usurp the right to dictate to men in public office, to the representatives of the people—they assert the right to rule our country and control its public affairs. They do not dare to try to govern by open and public means, but resort to conspiracy and hidden methods.

I am unwilling to make further grants of our resources to the men who are now abusing what we have granted heretofore. Captains of industry must show a new spirit before I will consent to add to their opportunities for evil. Even to-day I have had brought before me a new illustration of the lust for power of those who dominate the great coal-mining industry. The chief purpose of my speaking to-day is to lay the situation before Congress and the Nation.

Big business acts for business reasons, not upon considerations of altruism or patriotism. Big business is cold and selfish. It knows neither religion, country, nor sentiment. It bends its every thought to obey the precept, "Put money in thy purse." Its god is profits, its country wherever good returns may be had from investments, its humanitarianism is how to get the greatest amount of labor for the smallest outlay.

The evil mainsprings of big business are so universally detested that men interested in public questions are quick to charge big business with opposing them. The support of big business is a liability, not an asset, when public sentiment is involved, so that great financiers and captains of industry, when seeking to control public action, operate through parasite newspapers and secret channels.

FIGHTING THE LEAGUE OF NATIONS.

The enemies of the league of nations have been bold in charging that certain great financial interests are working for the adoption of the league. So far as I can learn no proof of this charge has been offered. It has not been commonly known that certain powerful business interests are secretly fighting the league of nations. The charge that such is a fact should not be lightly made, and I should not make the charge except for the fact that I hold proofs to sustain it in my hands. I now charge with all deliberation that certain of the great employers of the United States are fighting the league of nations because of the labor clauses contained in its covenant. The fight is being made in secret. It wears the hypocritical cloak of patriotic opposition. No doubt much of the opposition to the league of nations is sincerely on patriotic grounds, but the particular opposition of these captains of industry is inspired by the base love of gain and of brutal autocratic power over their employees.

I am reminded of the opposition of these powerful employers by the adoption on yesterday by the Senate Committee on Foreign Relations of the fourth reservation to the covenant of the league of nations, from which reservation I quote:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including * * * labor * * * are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

"LABOR'S GREAT CHARTER."

In order to understand the significance of this reservation it is necessary to refer to Article 23 of the covenant, from which I quote:

ARTICLE 23.

> Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league—
>
> (a) Will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations.

I also quote from Part XIII of the annex to the covenant, being the provision relating to labor:

> Whereas the league of nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;
>
> And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled, and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the inter-

osts of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education, and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries:

The high contracting parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

Following this preamble are Articles 387 to 427, which provide generally for the organization of a labor conference, international labor office, and so forth, and prescribe the rules and principles which shall govern in labor matters, including Article 427, which I quote:

ARTICLE 427.

The high contracting parties, recognising that the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the league of nations.

They recognise that differences of climate, habits, and customs, of economic opportunity and industrial tradition make strict uniformity in the conditions of labor difficult of immediate attainment. But, holding, as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit.

Among these methods the principles the following seem to the high contracting parties to be of special and urgent importance:

First. The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second. The right of association for all lawful purposes by the employed as well as by the employers.

Third. The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth. The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth. The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth. The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh. The principle that men and women should receive equal remuneration for work of equal value.

Eighth. The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth. Each State should make provision for a system of inspection, in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the high contracting parties are of opinion that they are well fitted to guide the policy of the league of nations, and that, if adopted by the industrial communities who are members of the league and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage earners of the world.

The labor provisions of the covenant have been called "Labor's Great Charter." They have met the approval of the leading thinkers and humanitarians of all the world as constituting one of the greatest things in the league of nations and as justifying its adoption though nothing else were accomplished.

The fourth reservation to which I have referred is directly aimed at the labor provisions of the covenant. It is clear to my mind that this reservation is intended to nullify them as far as possible and to leave the toiling masses of the nations a fair prey to all employers strong enough to exploit them. It is clear that it is proposed in response to a demand from some source for such action. The demand is not a public demand. It has not been voiced in the press. Its source is evidently in the oppressive employers who would rob labor of the protection which the covenant gives. Who are these employers who are secretly fighting the league of nations? I think I can answer that query in part at least. *They are the coal operators of the United States.*

COAL BARONS RAMPANT.

The National Coal Association is the organization of bituminous coal operators. It comprises some three-fourths of the total soft coal production. It is composed of representatives of various coal-producing districts. The directors of the National Coal Association held a meeting at Hotel Sinton in Cincinnati, Ohio, on June 19, 1919. There were present President H. N. Taylor, of Kansas City, and the following: George H. Barker, C. H. Jenkins, C. E. Bockus, J. C. Layne, jr., D. C. Botting, F. M. Lukins, J. G. Bradley, E. C. Mahan, John S. Brophy, A. M. Ogle, Ira Clemens, Philip Penna, J. D. Francis, Robert M. Randall, W. K. Field, S. H. Robbins, E. M. Gray, C. W. Taylor, A. R. Hamilton, J. J. Tierney, W. M. Henderson, F. C. Honnold, J. D. A. Morrow, and others. Erskine Ramsay, representing the Alabama Coal Operators' Association of my own State, was present at the meeting.

Practically the first order of business at this meeting of the directors of the National Coal Association was the consideration of the labor provisions of the covenant of the league of nations. I will quote the exact words spoken by various directors upon said subject, omitting for brevity statements not strictly germane:

President TAYLOR: * * * I have brought over with me and distributed among our members, so far as I had a sufficient number of copies of the pamphlet to do so, the labor plank in the league of nations program, which if it is adopted by the Congress in the league of nations, or rather by the Senate, will become practically the same as the Constitution of the United States and will not be subject to repeal or revision at any time. In that plank the right to organize and regulate working hours, the number of days per week and in vocational occupations of all kinds, is placed in the hands of a committee to be practically controlled by labor; and unless we as employers take some action we are going to find ourselves greatly handicapped in the running of our business. It has occurred to the chair that there should be a committee on industrial relations appointed, but the chair did not wish to take upon himself appointing that committee until he got the consent of this body as to the advisability of such appointment. The committee if appointed should be not a majority nonunion, but as these rights are being given to labor through that plank in the league of nations, it goes beyond anything that has been accomplished by the union in past years, everybody is vitally interested, both union and nonunion in this league. I wish we had enough pamphlets here so that everybody would have a copy of them on the floor, but we have not, but those who have them can loan them to such others of the members as wish to see them. Not wanting to do something that was in any way unpleasant or against the wishes of any part of our organization, I thought I had better bring this up to-day and get the sense of this meeting, and if it was the wish of the meeting that we then appoint a committee on industrial relations, so that somebody would be directly responsible for whatever effort this association cared to make in combating such a wholesale surrendering of our rights as that clause in that plank contains. It takes away most of our rights. If you read that you will see that the delegate has a right to deputize any agitator he wants to. In other words, they can bring in all kinds of agitators and vote away your rights. *Something should be done to bring it before our Congressmen and Senators or else we are going to lose all our rights for the rest of our lives and for many generations to come.* * * *

CALLS IT "WORLD-WIDE SOCIALISM."

J. D. FRANCIS: *In going over this labor program of the league of nations, it seems to me to contemplate a world-wide socialism, a socialism of a kind and character and extent that even the socialists of five years ago would have thought most drastic.* We can not depend upon the political officers of this country to look after our interests in this matter unless we stand behind our own interests. Our Representatives in Congress rarely hear from us on any of these subjects; we all wait for the other fellow to take the matter up with his Congressman, and we expect a little bit too much from him. While we are sitting idle the representatives of labor and the representatives of various organizations who are interested in having these things put through are carrying on year by year and day by day constant propaganda. We can not blame our Congressmen so much if they feel that the word that they get from these organizations is the correct view of the American people if that is the only word they get from their home associations. I think this association should take an active interest in matters of this kind, which are in their very nature political, and that we must, if we are to protect the interests not only of the coal industry but the interests of the United States of America, keep the form of our Government as it is to-day. We must get right down to these matters and fight for our rights. I think that this association, representing very largely the employing interests in these United States, should take an active interest in this matter and appoint a committee that will stand up and fight for the rights of the employer and the rights of the American citizen who believes in individual initiative and individual effort.

President TAYLOR: *I might say that the National Lumbermen's Association, which is similar to the National Coal Association, is an organization composed of the different lumber associations all over the country, and they took action on this matter last week and have appointed a committee to represent the entire lumber industry of this country from the Pacific coast to the Gulf in their protest against this plank in the league of nations.* The lumber mills, with very few exceptions, are nonunion and they figure that this plank absolutely takes their business out of their hands. They are very much worked up over it. I have a letter from their general council advising of their action and suggesting that this matter be laid before us. I think the lack of interest we have so far shown in it is due to the fact that none of us have received this matter before. I have not found anybody that has ever seemed to realize what was going on. It might be well, inasmuch as only a few of us have seen that, for our secretary to read at least the preamble.

The Secretary, Mrs. H. S. Taylor, then read an excerpt from the CONGRESSIONAL RECORD, issue of June 9, 1919, page 852, the preamble, under "Part XIII, Labor," which I have already quoted.

President TAYLOR: The preamble covers about every phase of it about as wide as it can go; I do not know of anything that is left out of it. * * *

SUGGESTS A DISGUISE.

F. S. PEABODY: In discussing the problem of the league of nations if we pick out of this one plank particularly in the league of nations and come out as an association against that particular plank we are going to solidify, in my opinion, public opinion for the league of nations. I think we have got to look at the question in a very broad light. There is nothing that will bring the *league of nations to a focus and get the approval of the people of the United States more quickly than by organizations of employers coming out against the league of nations on that particular plank.* My feeling is that if we come out against the league of nations it wants to be on very much broader and bigger grounds. We want to come out on account of the Monroe doctrine or some other thing that will appeal to the people of the United States rather than solidifying the people of the United States for the league of nations. Personally, with as little knowledge as I have and as little knowledge as any one of the ordinary citizens of the country has in regard to the league of nations, I am definitely opposed to the league of nations being put in the peace treaty. If the league of nations goes through, I think it should be only after we have heard the reasons for it from Mr. Wilson and Mr. LODGE'S reasons against it, and not until after we have had an opportunity to make a thorough analysis and to have analyses made by the leading and principal men of this country as

to what the meaning of the league of nations is. If we come out now as the National Coal Association against the league of nations only on account of that labor plank, I think we are going to hasten our doom.

T. T. BREWSTER: If I understand it from what has been said, the action of this committee will be with reference to the preamble concerning labor in that league of nations document—that this committee is to report in regard to that clause or preamble in the league of nations. * * * If it is as I gathered from the language of the speaker who was talking when I came in, it was in reference to some influence or control upon legislation that the committee was to be appointed. If that be the fact, I believe that the committee on governmental relations could handle this question. If it is for the purpose of modifying or influencing legislation, it seems to me the matter should also be in the hands of the committee on governmental relations. * * *

IRA CLEMENS: I think it very essential that this committee should be appointed. We have to have some one who will look after the interests of this association and be able to keep them advised from time to time; and, as I understand it, this motion contemplates having somebody to do the work and be ready to report at any time that they deem advisable. * * *

F. C. HONNOLD. Since this is decidedly a governmental question, it belongs particularly to our governmental relations committee. If in the judgment of the meeting a similar committee would be more effective, let it be selected on the basis suggested of union and nonunion from the governmental relations committee. *This probably is only one item out of numerous items that will come up during the next six months, all of which should be centered in the activities of the governmental relations committee, which, as a committee, has been definitely representative and thoroughly capable.* I will sustain Mr. Brewster's motion to refer it to the governmental relations committee. * * *

President TAYLOR. As I understand it, there was a motion to appoint a committee, to be known as the industrial relations committee. Dr. Honnold now offers as a substitute motion to make reference of this matter to the governmental relations committee. * * *

"THOSE WITH ONE EYE ARE KINGS."

PHILIP PENNA. * * * I do not want the union operators, without the permission and consent and invitation from the nonunion operators, to interfere with the nonunion operators' rights in the matter; nor do I want them to interfere with the union operators' rights. At the present writing, because of the seeming competitive and complicated questions in the coal business, a great many of us are apt to think that the union operators' and nonunion operators' interests are crosswise, whereas if we would get behind the facts and get down to the last analysis, we shall find that all these relationships, instead of being crosswise, are identical, perhaps not to-day or to-morrow, but our industry is something that is going to last for long years, and our interests are not so opposed to each other as a mere glance at the situation would indicate. I can not but believe that the time has come from outside pressure, governmental pressure, public opinion, when we are going to have to revise to a very great extent our personal views of the industrial situation not only in this country but of the world; and we are going to have to recognize that fact, whether we like it or whether we dislike it. *Some of these things that are so repugnant to-day that our President referred to, and which seem so offensive to any man that likes to feel that he is independent, we are going to have to swallow, gentlemen, as an industry, sooner or later.* * * *

F. M. LUKINS. * * * So far this association has not had practically any labor troubles, but we can not expect that that is going to continue. The union operators are going to have their troubles, and probably the nonunion operators are going to have theirs. It would be very strange if they didn't. If Mr. Penna's proposition is correct, why, the nonunion operators are going to have plenty of them, because they are going to be unionized, according to that document there.

Personally, I do not think that this country is going to accept the league of nations as it is now drawn. I believe that they will adopt Mr. Peabody's view, and that it ought to be separated from the peace treaty and treated on its merits. If it is a good thing for the country, it will be adopted. If it is not a good thing, it will not be adopted. I believe there are so many different things about it that will be bad for this country that I do not believe the people will be for it. * * *

CALLS IT "TIN CAN ON DOG'S TAIL."

J. G. BRADLEY. * * * It would not make any difference to me if every member of it were a union operator, because this question is of so much importance not only to our coal industry but to every other business in which we are interested, and we are most of us interested in other businesses. We had no idea when President Wilson went abroad to negotiate a treaty that he was going to put into that treaty provisions which would give organized labor the status which it is proposed to give it here. I have great respect for the Constitution of the United States. * * * *And here comes labor under the treaty clause of the Constitution and tacks this tin can onto the dog's tail, and that is the objection.* * * *

J. J. TIERNEY. * * * If labor is given this chance under this treaty there are probably more hidden parts in there on which other legislation can be enacted. * * * Are we willing to part with the rights that we have under the Constitution and accept a treaty that means taking away from our rights or are we going to stand up and say that the Constitution is good enough for us and let this treaty go by the board? * * * *I am bitterly opposed to it. I think the sooner this association—and every other association in the United States—gets to work and kills the thing, the better off we will all be.* I think to-day that the lumber people and the manufacturers are taking the same view that we are. * * *

RUSH C. BUTLER. I do not rise to debate the question but merely to call your attention to the fact that inasmuch as the opinion, with reference to that provision of this league of nations seems to be unanimous as to the point involved here, it is up to us now to consider the manner in which you will handle this particular proposition. I say we seem to be a unit on the main idea. How shall we act upon it? * * * The question seems to be whether or not it is advisable to create a special committee to deal with this matter or whether it would be better to cover it up, so to speak, by referring it to the governmental relations committee. * * *

PHILIP PENNA. Let me ask you a question. Isn't it a fact that it is forced upon us now by governmental interference—by the league of nations, for instance, by our representatives in France, and isn't it a fact that that question is forced upon us now?

RUSH C. BUTLER. Yes; I think you are correct in that. * * *

PARLOR SOCIALISTS AND THE WHITE HOUSE.

PHILIP PENNA. * * * If I understand the situation at all, the labor unionists of the world have captured the French conference, and they have manipulated the whole proposition until their platform has practically suspended the Constitution of the United States. It very nearly gives them authority to go over there and agree upon their own appointees and their own conference and then come over here and tell the American Congress what to do and how to do it. There is no use for us to attempt for a moment to ignore the fact that we can not deal with this question without raising the issues of unionism or nonunionism. There is no other issue here except whether unionism shall control the legislature of the members of the league of nations, whether unionism shall control the industries of the countries that are parties to this league of nations, or whether the employers of labor shall control it. * * * As I see it, the issue is whether unionism is going to dominate the nations that are members of the league of nations or whether our legislatures and our constitutions are going to dominate. I hope that I am mistaken in saying that this league of nations is going to be accepted by the American people, but I do believe it, because *it is so tied up and interwoven by the parlor socialists of America together with the White House at Washington that it is difficult to resist or reject the league of nations unless you turn down the peace treaty, too.* * * *

F. M. LUKINS. I want to say that I am not in sympathy with Mr. Butler's idea of putting this thing off or covering it up, so far as that is concerned. My policy usually is not to cover up things, but to do them out in the open if we have to; but the thing that I want to emphasize right now is that something ought to be done about this thing, and done now. * * *

A. J. MALONEY. *I want to say that certain phrases in there sound like some of the labor conventions.* * * *

President TAYLOR. The question has been called for. * * * The entire matter will be referred to the governmental relations committee and the proper action will be taken by that committee, and I judge from the remarks here that action will be taken promptly. * * *

"AMERICANISM!"

The Government relations committee of the National Coal Association is as follows: A. R. Hamilton, chairman; T. T. Brewster, W. J. Carney, Ira Clemens, T. B. Davis, W. K. Field, W. H. Huff, A. J. Maloney, Philip Penna, Robert M. Randall, S. H. Robbins, W. J. Sampson, J. H. Wheelwright, and to this committee the opposition to the league of nations was committed. The committee held its meeting in Pittsburgh on July 30, and there took action upon the subject. I have no verbatim report of what was said and done at this meeting of the committee, but I am reliably informed that it was then decided to oppose the league of nations, and particularly the labor provisions of the covenant, in every way possible. I am informed that the committee agreed to act upon the suggestion which had been made by Mr. Peabody at the Hotel Sinton meeting of the directors, to place its objection to the league of nations ostensibly upon the broad ground of "Americanism" and opposition to the "internationalization of the United States."

Profiteers and patrioteers, exploiters of men, worshippers of mammon, drivers of industrial serfs! The czar of the steel industry arrogantly refuses to arbitrate differences with employees! An employers' group at the industrial conference stands like iron against granting one jot or tittle toward labor's just aspirations! Coal barons refuse to treat with their workers, and answer with Shylock's cynical legalism "It is so nominated in the bond," the appeal of those who toil under mountains to bring forth light and warmth for mankind!

How long, O Lord!

The Clerk read as follows:

SEC. 13. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than 500 feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public-land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of 30 days following such marking and posting be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit

upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *And provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

Mr. WALSH. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question. How does the total available area permitted to be granted under the provision of the bill for oil and gas compare with that which may go for coal? In either case it does not exceed 2,560 acres. For oil and gas are they limited to any particular sized tract?

Mr. SINNOTT. Under this section 13 the applicant gets a permit for not more than 2,560 acres. The size of that is discretionary with the Secretary of the Interior. He may not give him that much, but if he gives him that much, then on the discovery of oil he is entitled to a lease for one-fourth of that, and then he is entitled to certain preference rights in the balance over the one-fourth.

Mr. WALSH. Why in the case of coal was it limited to 40-acre tracts or multiples thereof?

Mr. SINNOTT. He can get as high as 2,560 acres under coal, but that is an outright lease. This is a permit, really an oil-prospecting permit, and under the coal proposition, if the land is known coal land, it is leased outright under a royalty bid. The multiples are made so that the Secretary may have convenient forms under the 2,560 acres. Section 13 is on unknown or wildcat territory.

Mr. WALSH. For the purpose of going in and drilling wells and finding out if there is oil or gas under the surface somewhere?

Mr. SINNOTT. The gentleman is correct.

Mr. WALSH. But in the case of coal lands, the Secretary's discretion is limited somewhat by the size of the tracts being restricted to 40 acres or multiples thereof?

Mr. SINNOTT. He can make any multiple of 40 acres—that is, on land that is already classified as coal lands—and dispose of it by leasing.

Mr. WALSH. In 40-acre blocks?

Mr. SINNOTT. Yes; lease it.

Mr. WALSH. The oil lands are not platted, as I understand it.

Mr. SINNOTT. No.

Mr. WALSH. And the Secretary, in his discretion, can give a man a permit to prospect on 2,560 acres all in one tract?

Mr. SINNOTT. That is the maximum.

Mr. WALSH. And if he strikes oil in one corner of that, he can get a lease for one-quarter of it?

Mr. SINNOTT. That is correct.

Mr. WALSH. Why is so large a proportion of the 2,560-acre tract permitted to be leased?

He may find oil in just one corner of that 2,560-acre tract, and the Secretary's discretion is limited to giving him a lease for one-fourth of the tract or not at all?

Mr. SINNOTT. Yes.

Mr. WALSH. Why is that done? Now, if there is a tract of 2,560 acres, and he wanders around there in the wilderness——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. And finds oil in one corner, why do they have to give him a lease for that number of acres?

Mr. SINNOTT. Now, he may be right upon the edge of what is called the oil structure. He may be over in the corner, and he may make a discovery of oil down here in very small quantities. The body of the oil may be over here at another place upon the 2,560 acres. This is to encourage men to go out in the undeveloped and wildcat territory and assure them of enough oil land to justify them in going ahead and making these enormous expenditures that they do have to make in exploring for oil.

Mr. WALSH. They do not have a prospecting privilege for coal?

Mr. SINNOTT. In certain cases they have for coal.

Mr. WALSH. But not on such a plan as this?

Mr. SINNOTT. No; not on such a plan as this.

Mr. WALSH. Why is it that they give this privilege of prospecting for oil——

Mr. SINNOTT. It is necessary to encourage people to go out. This is a very hazardous game. For instance, in the State of California $300,000,000 have been expended without the return of a dollar. In the State of Wyoming some 60 or 70, possibly more, of what are called oil structures or domes have been drilled, and there are only 3 or 4 that pay.

Mr. HOWARD. Mr. Chairman, I move to strike out the last two words for the purpose of directing the attention of the chairman of the committee to the language of line 23, page 49. I note there that you require drilling to a certain depth unless valuable deposits of oil or gas shall be sooner discovered. I want to call the attention of the chairman to the fact that the universal custom in preparing oil and gas leases and providing for the depth or such conditions as you have here, both in the Interior Department on Osage leases of restricted Indian lands and in private business, is to make the language read, "that unless oil and gas deposits in paying quantities shall be sooner discovered." And I submit, Mr. Chairman, that language is more definite because that language would bring the measure of the value of the deposit, whereas there would always be some question under the language as it exists.

Mr. SINNOTT. That language was put in with a great deal of consideration, and we would not like to change from "valuable" to "paying." There is quite a distinction. We are in line with the decisions of the courts as to what is a discovery, and I think it would be a very dangerous matter to experiment with this language at this time.

Mr. JEFFERIS. Mr. Chairman, I move to strike out the last three words, for the purpose of getting some information from the committee. I desire to call the attention of the committee to line 25, page 47, where it reads, "such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field." I would like to inquire how these fields are known and designated, so that a person who wanted to go and prospect in this wildcat country would know that he was in that kind of a territory?

Mr. SINNOTT. Well, he would ascertain that when he made application of the Secretary of the Interior, and the Secretary of the Interior would inform him, "You are applying for a permit in what we deem to be a known geological structure, and you are not entitled to a permit in that kind of a structure, but you have to apply for a lease on a bidding proposition."

Mr. JEFFERIS. Well, on these known geological structure fields, so called, are there any wells in existence now?

Mr. SINNOTT. There are a number of wells in the known geological structure. But this section 13 refers to what is not in a known geological structure. I think your provision comes up in another section, relating to known geological structure of producing fields.

Mr. JEFFERIS. Are these known geological sections already being operated, or are they just pushed to one side for the present?

Mr. SINNOTT. Some of them are being operated fully and some of them are only being partially operated, because they are within withdrawn territory.

Mr. JEFFERIS. Would not the committee think it would be proper to give the prospectors the right to prospect within a certain distance of wells that are already located in these fields, so as to open up the territory?

Mr. SINNOTT. We had that in the bill last year, and that would result in this, in giving a prospecting permit on a known geological structure of a producing field; and the Government desires, and it is the desire of the committee where there is a known structure, to make that a leasing proposition, and not a prospecting-permit proposition.

Mr. JEFFERIS. In other words, that would be taken care of in another portion of the bill?

Mr. SINNOTT. That is taken care of in section 17.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as 160 acres of said lands, if there be that number of acres within the permit. The area, to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of

surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this act, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the distinguished chairman of the committee if, in view of the fact, which I think is the fact, that this is the natal day of one of our distinguished Members, the gentleman from Texas [Mr. BLANTON], if he does not think, perhaps, it also being Saturday, the committee ought to rise?

Mr. KING. Mr. Chairman, I make the point of no quorum.

Mr. SINNOTT. I recognize the importance of the first reason assigned by the gentleman, but I was in hopes that we could run until 5 o'clock, or until we reached section 18—just another page.

Mr. WALSH. If the gentleman from Texas [Mr. BLANTON] has no objection to desecrating his birthday, all right.

Mr. BLANTON. Mr. Chairman, I think this question ought to be recognized, and I make the point of no quorum.

The CHAIRMAN. The Chair will count.

Mr. BAER. Will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. BAER. Because it is his natal day?

Mr. BLANTON. No; but because there are about 100 men in this Capitol who are in the employ of this country, and who have got to do their marketing this evening for to-morrow, and we ought to think of them at least once a week.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the House substitute for the bill S. 2775, and had come to no resolution thereon.

ENTRY OF ALIENS INTO THE UNITED STATES.

Mr. ROGERS, from the Committee on Foreign Affairs, submitted a conference report on the bill (H. R. 9782) to regulate further the entry of aliens into the United States, for printing under the rule.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks on the bill H. R. 10156, a bill that I introduced, for the purpose of creating foreign trade zones.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. What bill is that, Mr. Speaker, may I ask?

Mr. NOLAN. A bill for the creation of foreign trade zones.

The SPEAKER pro tempore. A bill for the creation of foreign trade zones, introduced by the gentleman from California [Mr. NOLAN].

Mr. BLANTON. If they are the gentleman's own remarks, I shall not object; but if it is the insertion of other matter, I shall object.

Mr. NOLAN. They are my own remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

THEODORE ROOSEVELT.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until 1 o'clock on Monday, in honor of the birthday of the great American, Theodore Roosevelt.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that when the House adjourns to-day it adjourn to meet at 1 o'clock on Monday, in honor of the birthday of the late Theodore Roosevelt. Is there objection?

Mr. MAPES. Reserving the right to object, is there any exercise proposed in connection with that?

Mr. UPSHAW. I do not know that there is any in the House. There is to be an exercise in one of the theaters here in the city.

Mr. MAPES. It seems to me it would be more appropriate for the House to meet at the regular time and adjourn earlier than usual in the afternoon, if it is thought best.

Mr. BLANTON. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is, Is there objection to the request of the gentleman from Georgia [Mr. UPSHAW]?

Mr. MAPES. I object, Mr. Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. CAMPBELL of Kansas, for the remainder of the day.

To Mr. HARDY of Texas, for 10 days, on account of campaign work and attention to personal affairs.

To Mr. GALLIVAN, indefinitely, on account of the serious illness of his brother.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3076. An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdiction, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until Monday, October 27, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MICHENER, from the Committee on Expenditures in the Department of Justice, to which was referred the bill (S. 597) providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana, reported the same without amendment, accompanied by a report (No. 416), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 222) directing the Secretary of War to dispose of surplus dental outfits, reported the same with amendments, accompanied by a report (No. 415), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8918) granting a pension to Janet Millage; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma projects, Ariz.; Committee on the Public Lands discharged, and referred to the Committee on Irrigation of Arid Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN of South Carolina: A bill (H. R. 10180) authorizing the Secretary of War to donate to the cities of Sumter and Orangeburg, and to the towns of Lexington, St. Matthews, and Bishopville, all in South Carolina, each a German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10181) authorizing the Secretary of War to donate to the city of Columbia, S. C., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 10182) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 10183) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN of South Carolina: A bill (H. R. 10184) for the purchase of a post-office site at Bishopville, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10185) for the purchase of a post-office site at St. Matthews, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10186) for the purchase of a post-office site at Batesburg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER of Illinois: A bill (H. R. 10187) to change the place of holding the United States district court for the western division, northern district of Illinois, and for maintaining the clerk's office therein; to the Committee on the Judiciary.

By Mr. SCOTT: A bill (H. R. 10188) authorizing the Ottawa and Chippewa Tribes of Indians of Michigan to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. ALMON: A bill (H. R. 10189) to authorize the enlargement, extension, and remodeling the Federal building at Huntsville, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. GARLAND: Joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 10190) granting an increase of pension to William Ralston; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10191) granting a pension to Philip White; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 10192) granting a pension to Samuel Baker; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10193) granting an increase of pension to Emma M. Johnson; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 10194) granting a pension to Lizzie C. Lefavor; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 10195) for the relief of John G. Barnard; to the Committee on Military Affairs.

Also, a bill (H. R. 10196) granting a pension to Robert Herron; to the Committee on Pensions.

Also, a bill (H. R. 10197) granting a pension to Margaret Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10198) granting a pension to Fanny Stewart; to the Committee on Invalid Pensions.

By Mr. MANN of Illinois: A bill (H. R. 10199) granting a pension to George Crago; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 10200) for the relief of Sanford Kirkpatrick; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 10201) granting a pension to Alvina Sanders; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10202) granting a pension to Calvers T. Biddle; to the Committee on Pensions.

Also, a bill (H. R. 10203) granting an increase of pension to Lazarus W. Johnson; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 10204) for the relief of John Baker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Petition of Ukrainian National Committee of United States Branch, of Philadelphia, praying that the troops of Poland, Roumania, and any other power foreign to Ukraine be ordered withdrawn immediately from all Ukrainian territories; to the Committee on Foreign Affairs.

Also, petition of J. L. Sturtevant, of Milwaukee, Wis., favoring the establishment of an independent and adequate news service across the Pacific with a low word rate; to the Committee on Interstate and Foreign Commerce.

Also, petition of Montana State Press Association, of Great Falls, Mont., protesting against the repeal of the zone system of postage on newspapers and periodicals; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of Chicago Wheel & Manufacturing Co. and Cotta Transmission Co., of Rockford, Ill., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. GALLIVAN: Petition of Boston Chapter, Knights of Columbus, protesting against the ruling made by the Secretary of War relative to the chaplains who served during the recent war; to the Committee on Military Affairs.

By Mr. MacGREGOR: Petition of Board of Supervisors of Erie County, Buffalo, N. Y., favoring the passage of the bill introduced by Representative DALLINGER, of Massachusetts; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: Petition of Board of Supervisors of Erie County, Buffalo, N. Y., favoring the passage of the bill introduced by Representative DALLINGER, of Massachusetts, in re sugar embargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of David Metzger, of New York, urging the importance of providing adequate transportation facilities and uninterrupted transportation for the public; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. H. Bleistein (Inc.), of New York, favoring the passage of House bill 9778; to the Committee on Ways and Means.

Also, petition of G. W. Berry, of New York, favoring the passage of House bill 9694; to the Committee on Naval Affairs.

Also, petition of Daniel T. O'Connell and Anne Kearns, of New York, urging that the Congress of the United States by resolution ask the President of the United States to recognize the Republic of Ireland as a member of the nations of the world; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Petition of sundry citizens of Boston, Mass., protesting against sending of troops of the United States Army to Europe; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *October 27, 1919.*

(*Legislative day of Wednesday, October 22, 1919.*)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	McKellar	Sherman
Bankhead	Harris	McLean	Simmons
Borah	Harrison	McNary	Smith, Ariz.
Brandegee	Henderson	Moses	Smith, Ga.
Capper	Hitchcock	Myers	Smith, Md
Chamberlain	Johnson, Cal.	Nelson	Smoot
Colt	Jones, N. Mex.	New	Spencer
Culberson	Jones, Wash.	Newberry	Sterling
Cummins	Kellogg	Norris	Sutherland
Curtis	Kenyon	Nugent	Thomas
Dial	Keyes	Overman	Townsend
Dillingham	King	Page	Trammell
Edge	Kirby	Penrose	Underwood
France	Knox	Phipps	Wadsworth
Frelinghuysen	La Follette	Poindexter	Walsh, Mass.
Gay	Lenroot	Pomerene	Walsh, Mont.
Gerry	Lodge	Ransdell	Warren
Gronna	McCormick	Robinson	Watson
Hale	McCumber	Sheppard	Williams

Mr. KING. I desire to announce that the senior Senator from Delaware [Mr. WOLCOTT] is absent on official business. I ask that this announcement may stand for the day.

I wish also to announce that the Senator from Missouri [Mr. REED] is detained from the Senate by illness.

Mr. TRAMMELL. The senior Senator from Florida [Mr. FLETCHER], the Senator from Oklahoma [Mr. GORE], the Senator from Wyoming [Mr. KENDRICK], the Senator from California [Mr. PHELAN], the Senator from Tennessee [Mr. SHIELDS], and the junior Senator from Arizona [Mr. ASHURST] are absent on official business.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained by illness in their families. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], and the Senator from Oklahoma [Mr. OWEN] are detained from the Senate on public business.

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole, and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. The pending question is upon the first amendment proposed by the Committee on Foreign Relations.

The VICE PRESIDENT. That is the pending question.